

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

FIFTY-FIRST DAY

APRIL 16, 2010-FRIDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by Pastor Russell Higa
Honolulu Christian Church

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 480-482

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 480	Informing the Senate that on April 15, 2010, the Governor signed the following bill into law: SB2834 SD1 (Act 023). "RELATING TO TAXATION."	FILE
G.M. No. 481	Informing the Senate that on April 15, 2010, the Governor signed the following bill into law: HB1902 HD1 (Act 024). "RELATING TO LONG TERM CARE."	FILE
G.M. No. 482	Informing the Senate that on April 15, 2010, the Governor signed the following bill into law: SB2432 (Act 025). "RELATING TO HAWAII INSTITUTE FOR EDUCATIONAL PARTNERSHIPS."	FILE

2. Departmental Communications: None
3. House Communication Nos. 573-576

Informing the Senate that on April 15, 2010, the House agreed to the amendments proposed by the Senate and that said bill passed Final Reading in the House:

REFERRAL

573 [H.B. No. 2058, H.D. 1, S.D. 1](#) FILE
"RELATING TO PUBLIC
PROPERTY."(Natural Energy Laboratory of
Hawaii Authority; Cell Tower Concessions)

Informing the Senate that on April 15, 2010, the House reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House Bill:

574 [H.B. No. 2351, S.D. 1](#) FILE
"RELATING TO VETERANS."(Veterans'
License Plates)

Informing the Senate that on April 15, 2010, the House made changes to conferee assignments to the following bills:

575 [H.B. No. 1808, H.D. 3, S.D. 1](#) FILE
"RELATING TO COASTAL
AREAS."(Shoreline; Definition)

Discharged Representative Souki

[H.B. No. 2548, H.D. 1, S.D. 1](#)
"RELATING TO CONSUMER
PROTECTION."(Prepaid Legal Service Plans)

Discharged Representative Souki

[H.B. No. 2583, S.D. 2](#)

"RELATING TO IMPOUNDED
VESSELS."(Shark Feeding; Penalties;
Impounded Vessels; State Small Boat Harbors)

Discharged Representative Souki

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

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

Discharged Representative Souki

[H.B. No. 2724, H.D. 1, S.D. 1](#)

"RELATING TO OFFENSES AGAINST
PUBLIC ORDER."(Dogs; Tethering)

Discharged Representative Souki

[H.B. No. 2725, H.D. 1, S.D. 1](#)

"RELATING TO ANIMALS."(Animals; Humane
Treatment)

Discharged Representative Souki

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

"RELATING TO SMALL CLAIMS
COURT."(Small Claims Court; Monetary Limit)

Discharged Representative Souki

[H.B. No. 2897, H.D. 1, S.D. 1](#)

"RELATING TO CONTRACTORS."(Contractor
License; Revocation or Suspension; Illegal
Worker)

Discharged Representative Souki

[S.B. No. 506, S.D. 1, H.D. 3](#)

"RELATING TO
PROCUREMENT."(Procurement; Highway
Construction Affecting Utilities)

Discharged Representative Souki

[S.B. No. 950, S.D. 2, H.D. 3](#)

"RELATING TO ELECTRIC GUNS."(Electric Guns)

Discharged Representative Souki

[S.B. No. 2045, S.D. 1, H.D. 1](#)

"RELATING TO CRIME."(Human Trafficking Offenses; Crime)

Representative B. Oshiro replaced Representative Souki as conferee

[S.B. No. 2150, H.D. 1](#)

"RELATING TO APPELLATE JURISDICTION."(Appellate Jurisdiction)

Discharged Representative Souki

[S.B. No. 2154, S.D. 1, H.D. 1](#)

"RELATING TO ADULT PROBATION RECORDS."(Adult Probation Records; Disclosure)

Discharged Representative Souki

[S.B. No. 2454, S.D. 2, H.D. 1](#)

"RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS."(Courts; Fees)

Discharged Representative Souki

[S.B. No. 2472, S.D. 2, H.D. 1](#)

"RELATING TO MORTGAGE FORECLOSURES."(Mortgage Foreclosures; Task Force)

Discharged Representative Souki

[S.B. No. 2491, S.D. 2, H.D. 1](#)

"RELATING TO
TELEMEDICINE."(Telemedicine; Practice of
Medicine; Liability Insurance)

Discharged Representative Souki

[S.B. No. 2534, S.D. 2, H.D. 1](#)

"RELATING TO BAIL."(Release on Bail;
Procedure)

Discharged Representative Souki

[S.B. No. 2726, S.D. 2, H.D. 2](#)

"RELATING TO TIME FRAMES TO REGAIN
FITNESS TO PROCEED."(Time Frames to
Regain Fitness to Proceed)

Discharged Representative Souki

[S.B. No. 2859, S.D. 2, H.D. 1](#)

"RELATING TO THE MOTOR VEHICLE
INDUSTRY LICENSING ACT."(Motor Vehicle
Industry Licensing Act)

Discharged Representative Souki

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

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

FILE

Added Representative Souki as a member

4. Senate Communications: None
5. Judiciary Communications: None

6. Conference Committee Report Nos. 6-7 and 54

[6-10](#)
(48 Hrs. Notice)

[H.B. No. 1900, S.D. 1, C.D. 1](#)
"RELATING TO MILITARY
PERSONNEL."
(Recommends passage on FINAL READING
as amended C.D. 1)

[7-10](#)
(Ten Day Notice)

[H.B. No. 2376, H.D. 3, S.D. 2, C.D. 1](#)
"PROPOSING AMENDMENTS TO THE
HAWAII CONSTITUTION RELATING TO
THE BOARD OF EDUCATION."
(Recommends passage on FINAL READING
as amended C.D. 1)

[54-10](#)
(Ten Day Notice)

[S.B. No. 2807, S.D. 2, H.D. 2, C.D. 1](#)
"PROPOSING AN AMENDMENT TO
ARTICLE VII, SECTION 6, OF THE
HAWAII CONSTITUTION, RELATING TO
THE TAX REBATE REQUIREMENT."
(Recommends passage on FINAL READING
as amended C.D. 1)

7. Standing Committee Report Nos. 3171-3172

[3171](#) (HRE)
(One Day Notice)

[G.M. No. 415](#)
"Submitting for consideration and
confirmation to the Center for Nursing
Advisory Board, Gubernatorial Nominee,
DALE M. ALLISON PHD, APRN, FAAN,
for a term to expire 6-30-2014."

(Recommends Senate Consent to
Nomination)

[3172](#) (HRE)
(One Day Notice)

[G.M. No. 398](#)
"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."

(Recommends Senate Consent to Nomination)

[3172](#) (HRE)
(One Day Notice)

[G.M. No. 416](#)
"Submitting for consideration and confirmation to the Board of Directors of the Research Corporation of the University of Hawai'i, Gubernatorial Nominee, DONN MASAO TAKAKI, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

ORDER OF THE DAY

8. Advise and Consent

[3151](#) CPN
[Testimony Status](#)

[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."

3152 Testimony Status	CPN	G.M. No. 385 "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."
3153 Testimony Status	CPN	G.M. No. 387 "Submitting for consideration and confirmation to the Board of Massage Therapy, Gubernatorial Nominee, LAURA Y. CHOCK, for a term to expire 6-30-2014."
3153 Testimony Status	CPN	G.M. No. 388 "Submitting for consideration and confirmation to the Board of Massage Therapy, Gubernatorial Nominee, OLIVIA B. NAGASHIMA, for a term to expire 6-30-2014."
3154 Testimony Status	CPN	G.M. No. 401 "Submitting for consideration and confirmation to the State Board of Public Accountancy, Gubernatorial Nominee, STEVEN R. OBERG CPA, for a term to expire 6-30-2010."
3154 Testimony Status	CPN	G.M. No. 402 "Submitting for consideration and confirmation to the State Board of Public Accountancy, Gubernatorial Nominee, STEVEN R. OBERG CPA, for a term to expire 6-30-2014."
3155 Testimony Status	CPN	G.M. No. 404 "Submitting for consideration and confirmation to the Hawaii Medical Board, Gubernatorial Nominee, CARL K. YORITA, for a term to expire 6-30-2014."

3156	CPN	G.M. No. 405 "Submitting for consideration and confirmation to the Board of Naturopathic Medicine, Gubernatorial Nominee, DAVID R. KERN, for a term to expire 6-30-2014."
Testimony		
Status		
3157	CPN	G.M. No. 406 "Submitting for consideration and confirmation to the Board of Pharmacy, Gubernatorial Nominee, TODD K. INAFUKU, for a term to expire 6-30-2014."
Testimony		
Status		
3158	CPN	G.M. No. 407 "Submitting for consideration and confirmation to the Real Estate Commission, Gubernatorial Nominee, SCOTT A. SHERLEY, for a term to expire 6-30-2014."
Testimony		
Status		
3159	HMS	G.M. No. 445 "Submitting for consideration and confirmation to the Statewide Council on Independent Living, Gubernatorial Nominee, GORDON L. FULLER, for a term to expire 6-30-2012."
Testimony		
Status		
3160	ENE/EDT	G.M. No. 395 "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."
Testimony		
Status		

3161 Testimony Status	EDT	G.M. No. 393 "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."
3161 Testimony Status	EDT	G.M. No. 409 "Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, KALEIAHIHI K. FERMANTEZ, for a term to expire 6-30-2010."
3161 Testimony Status	EDT	G.M. No. 410 "Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, KALEIAHIHI K. FERMANTEZ, for a term to expire 6-30-2014."
3161 Testimony Status	EDT	G.M. No. 434 "Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, DORADEEN M. KANUHA, for a term to expire 6-30-2011."
3162 Testimony Status	EDT	G.M. No. 411 "Submitting for consideration and confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, RICHARD SCHNITZLER, for a term to expire 6-30-2014."

3163	EDT	G.M. No. 433 "Submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, Gubernatorial Nominee, JEFFREY N. DODGE, for a term to expire 6-30-2014."
Testimony Status		
3164	HRE	G.M. No. 397 "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."
Testimony Status		
3165	EDT	G.M. No. 198 "Submitting for consideration and confirmation to the Stadium Authority, Gubernatorial Nominee, ALAN S. TAMAYOSE, for a term to expire 6-30-2014."
Testimony Status		
3165	EDT	G.M. No. 199 "Submitting for consideration and confirmation to the Stadium Authority, Gubernatorial Nominee, KENNETH B. MARCUS ESQ., for a term to expire 6-30-2014."
Testimony Status		
3165	EDT	G.M. No. 200 "Submitting for consideration and confirmation to the Stadium Authority, Gubernatorial Nominee, KATHRYN WHANG INOUYE, for a term to expire 6-30-2014."
Testimony Status		

[3166](#) JGO
[Testimony Status](#)

[G.M. No. 351](#)
"Submitting for consideration and confirmation to the Language Access Advisory Council, Gubernatorial Nominee, EDELENE O. URIARTE, for a term to expire 6-30-2014."

[3167](#) HRE
[Testimony Status](#)

[G.M. No. 436](#)
"Submitting for consideration and confirmation to the Western Interstate Commission for Higher Education (WICHE), Gubernatorial Nominee, STEVEN CHARLES WHEELWRIGHT, for a term to expire 6-30-2014."

9. Adopt Resolutions

[3168](#) ENE/CPN
[Testimony Prior Versions Status](#)

[H.C.R. No. 230](#)
"URGING THE HAWAII CLEAN ENERGY INITIATIVE END-USE EFFICIENCY WORKING GROUP TO CONVENE DEVELOPMENT AND BUILDING INDUSTRY STAKEHOLDERS TO IDENTIFY BARRIERS TO IMPLEMENTATION AND WORK TOWARDS A CONSENSUS POSITION TO PROMOTE THE DESIGN AND CONSTRUCTION OF NET ZERO ENERGY BUILDINGS."

[3169](#) HMS
[Testimony Prior Versions Status](#)

[H.C.R. No. 51, S.D. 1](#)
"DECLARING THE SECOND WEEK IN OCTOBER AS CASE MANAGEMENT WEEK."

3170	HMS	H.C.R. No. 62, S.D. 1 "SUPPORTING CAREGIVERS AND RECOGNIZING THEIR ROLE IN MAINTAINING THE HEALTH AND WELL-BEING OF HAWAII'S FRAIL AND VULNERABLE POPULATION."
Testimony Prior Versions Status		
H.C.R. No. 46	WTL	"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)
Testimony Prior Versions Status		
H.C.R. No. 47	WTL	"REQUESTING AUTHORIZATION TO ENTER INTO A DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF KEEHI INDUSTRIAL LOTS, ISLAND OF OAHU." (Requesting Authorization To Enter Into A Development Agreement For The Development Of Keehi Industrial Lots, Island Of Oahu)
Testimony Prior Versions Status		
H.C.R. No. 89	WTL	"RECOGNIZING FEBRUARY AS "HAWAII-GROWN CACAO MONTH."" (Hawaii-Grown Cacao)
Testimony Prior Versions Status		
H.C.R. No. 320	WTL	"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." (Land Transfer; Camp Pupukea)
Testimony Prior Versions Status		

10. Final Reading

[S.B. No. 358, S.D. 1, H.D. 2](#)

"RELATING TO FIREARMS."

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

(Firearms; Prohibition Against Seizure
During Emergency)

11. Miscellaneous Communications: None

12. Miscellaneous Business

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

[S.B. No. 2409, H.D. 3](#)

WTL

"RELATING TO MARINE LIFE
CONSERVATION DISTRICTS."

13. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
CONF	4/16/2010 1:00 PM	229
EDT	4/16/2010 1:30 PM	423
CONF	4/16/2010 1:45 PM	329
CONF	4/16/2010 2:00 PM	229
HTH/EDT	4/16/2010 2:15 PM	229
CONF	4/16/2010 2:30 PM	225
CONF	4/16/2010 2:30 PM	329
CONF	4/16/2010 2:30 PM	225
CONF	4/16/2010 3:00 PM	312
CONF	4/16/2010 3:05 PM	312
CONF	4/16/2010 4:00 PM	325
CONF	4/16/2010 7:00 PM	309
HMS	4/19/2010 8:30 AM	229
CONF	4/19/2010 9:15 AM	312
CONF	4/19/2010 11:00 AM	016

CONF	4/19/2010 1:00 PM	224
CONF	4/19/2010 1:30 PM	423
CONF	4/19/2010 1:30 PM	225
HMS/HTH	4/19/2010 1:30 PM	229
CONF	4/19/2010 2:00 PM	229
CONF	4/19/2010 2:00 PM	016
CONF	4/19/2010 2:30 PM	224
CONF	4/19/2010 3:00 PM	016
CONF	4/19/2010 3:30 PM	325
CONF	4/19/2010 4:00 PM	423
CONF	4/20/2010 10:00 AM	225
CONF	4/20/2010 1:00 PM	229
WTL/JGO	4/20/2010 1:30 PM	224
CONF	4/20/2010 2:00 PM	329
CONF	4/20/2010 2:30 PM	329
CONF	4/20/2010 2:30 PM	423
EDT	4/21/2010 1:30 PM	423
PSM	4/28/2010 8:30 AM	229

- Senate Session will convene at 11:30 a.m. on Monday, April 19, 2010.

14. Adjournment