

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

FIFTY-THIRD DAY

APRIL 20, 2010-TUESDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by Ms. Page Kraker
Office of Senator Shan S. Tsutsui

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 489-495

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 489	Informing the Senate that on April 19, 2010, the Governor signed the following bill into law: SB2117 SD1 (Act 031). "RELATING TO EDUCATION."	FILE
G.M. No. 490	Informing the Senate that on April 19, 2010, the Governor signed the following bill into law: HB2028 SD1 (Act 032). "RELATING TO GROUP LIFE INSURANCE."	FILE
G.M. No. 491	Informing the Senate that on April 19, 2010, the Governor signed the following bill into law: SB1178 SD2 HD2 (Act 033). "RELATING TO HEALTH."	FILE

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| <u>G.M. No. 492</u> | Informing the Senate that on April 19, 2010, the Governor signed the following bill into law:
<u>SB2120 SD1</u> (Act 034).
"RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS." | FILE |
| <u>G.M. No. 493</u> | Informing the Senate that on April 19, 2010, the Governor signed the following bill into law:
<u>SB2837 SD1 HD1</u> (Act 035).
"RELATING TO LICENSING." | FILE |
| <u>G.M. No. 494</u> | Informing the Senate that on April 19, 2010, the Governor signed the following bill into law:
<u>SB2910 HD1</u> (Act 036).
"RELATING TO REAL PROPERTY." | FILE |
| <u>G.M. No. 495</u> | Informing the Senate that on April 19, 2010, the Governor signed the following bill into law:
<u>SB2440 HD2</u> (Act 037).
"RELATING TO THE BOARDS OF WATER SUPPLY." | FILE |

2. Departmental Communications: None

3. House Communication Nos. 583-597

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| | Informing the Senate that on April 19, 2010, the following bill passed Final Reading in the House: | <u>REFERRAL</u> |
| 583 | <u>H.B. No. 1900, S.D. 1, C.D. 1</u>
"RELATING TO MILITARY PERSONNEL."(Prisoner of War and Missing in Action Casualty Status) | FILE |

Informing the Senate that on April 19, 2010, the House agreed to the amendments proposed by the Senate and that said resolution has been adopted in final form in the House:

- 584 [H.C.R. No. 64, S.D. 1](#) FILE
"RECOGNIZING MARCH AS "ADULT RESIDENTIAL CARE HOME AND ADULT FOSTER HOME OPERATORS MONTH.""(Adult Residential Care Home and Adult Foster Home Operators Month)

Informing the Senate that on April 19, 2010, the House agreed to the amendments proposed by the Senate and that said bill passed Final Reading in the House:

- 585 [H.B. No. 2016, S.D. 1](#) FILE
"RELATING TO COUNTIES."(Counties; Chief of Police)

Informing the Senate that on April 19, 2010, the House reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House Bill:

- 586 [H.B. No. 2897, H.D. 1, S.D. 1](#) FILE
"RELATING TO CONTRACTORS."(Contractor License; Revocation or Suspension; Illegal Worker)

Returning the following Senate Concurrent Resolutions which were adopted by the House on April 19, 2010:

- 587 [S.C.R. No. 78, S.D. 1](#) FILE
"REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF DEPARTMENT OF TAXATION CONTRACTS."(Auditor; Department of Taxation; CGI Contracts)

- 588 [S.C.R. No. 79, S.D. 1](#) FILE
"URGING THE PROVISION OF
ORIENTATION AND ADDITIONAL
TRAINING TO INCREASE THE ABILITY OF
STATE AGENCY CASE WORKERS TO
ADDRESS THE ISSUES FACED BY
GRANDPARENTS RAISING
GRANDCHILDREN."(DHS Workers Training re
Grandparents Raising Grandchildren (SD1))
- 589 [S.C.R. No. 99](#) FILE
"REQUESTING THE ESTABLISHMENT OF A
WORKING GROUP TO ANALYZE THE
POTENTIAL DEVELOPMENT OF
GEOTHERMAL ENERGY AS THE PRIMARY
ENERGY SOURCE TO MEET THE
BASELOAD DEMAND FOR ELECTRICITY
ON THE BIG ISLAND."(Geothermal Energy;
Working Group)
- 590 [S.C.R. No. 126](#) FILE
"URGING THE UNITED NATIONS TO
GRANT TAIWAN MEANINGFUL
PARTICIPATION IN THE INTERNATIONAL
CIVIL AVIATION ORGANIZATION."(Taiwan;
International Civil Aviation Organization
Participation)
- 591 [S.C.R. No. 167, S.D. 2](#) FILE
"REQUESTING THE HAWAII STATE
CENTER FOR NURSING TO EVALUATE
THE NEED FOR AND RESOURCES
REQUIRED TO ESTABLISH A CONTINUING
EDUCATION PROGRAM FOR
NURSES."(Hawaii State Center for Nursing;
Establishing a Joint Task Force)
- 592 [S.C.R. No. 179, S.D. 2](#) FILE
"REQUESTING THE DEVELOPMENT OF
PROPOSED LEGISLATION MANDATING
THE SIZE AND EXTENT OF A MANAGED
CARE PLAN'S SPECIALTY
NETWORK."(Managed Care; California)

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| 593 | <p><u>S.C.R. No. 194</u>
"REQUESTING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO AUTHORIZE THE JOINT LEGISLATIVE COMMITTEE ON AGING IN PLACE TO CONTINUE TO MEET AND CARRY OUT THE WORK OF THE COMMITTEE."(Joint Legislative Committee on Aging in Place)</p> <p>Returning the following Senate Concurrent Resolutions which were adopted by the House on April 19, 2010, in an amended form:</p> | FILE |
| 594 | <p><u>S.C.R. No. 18, S.D. 1, H.D. 1</u>
"ESTABLISHING A JOINT LEGISLATIVE INVESTIGATING COMMITTEE TO OVERSEE THE INVESTIGATION OF THE DEPARTMENT OF BUDGET AND FINANCE'S HANDLING OF THE STATE'S INVESTMENT IN STUDENT LOAN AUCTION RATE SECURITIES."(Joint Legislative Investigating Committee; State Investments in Student Loan Auction Rate Securities)</p> | AGREE/DISAGREE |
| 595 | <p><u>S.C.R. No. 110, S.D. 2, H.D. 1</u>
"REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO DEVELOP A COMPREHENSIVE PLAN TO IMPROVE AWARENESS OF AND STRENGTHEN SUPPORT FOR PERSONS WITH DYSLEXIA."(Students with Dyslexia; Working Group; DOE; UH)</p> | AGREE/DISAGREE |
| 596 | <p><u>S.C.R. No. 183, S.D. 1, H.D. 1</u>
"CONVENING A LEGISLATIVE NOISE POLLUTION TASK FORCE TO REVIEW BEST PRACTICES FROM OTHER STATES IN REDUCING URBAN NOISE POLLUTION."(Noise Pollution; Legislative Task Force)</p> | AGREE/DISAGREE |

Informing the Senate that on April 19, 2010, the House appointed Conferees to the following bill:

597

[S.B. No. 2849, S.D. 2, H.D. 1](#)
"RELATING TO THE HAWAII EMPLOYER-
UNION HEALTH BENEFITS TRUST
FUND."(Hawaii Employer-Union Health
Benefits Trust Fund; Trustee)

FILE

M. Oshiro/Rhoads, Co-Chrs; Yamashita

4. Senate Communications: None
5. Judiciary Communications: None
6. Conference Committee Report Nos. 9-11 and 58

[9-10](#)
(48 Hrs. Notice)

[H.B. No. 2077, H.D. 1, S.D. 1, C.D. 1](#)
"RELATING TO EDUCATION."
(Recommends passage on FINAL READING
as amended C.D. 1)

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

[H.B. No. 2631, H.D. 2, S.D. 2, C.D. 1](#)
"RELATING TO ENERGY INDUSTRY
REPORTING."
(Recommends passage on FINAL READING
as amended C.D. 1)

[11-10](#)
(48 Hrs. Notice)

[H.B. No. 2533, H.D. 1, S.D. 2, C.D. 1](#)
"RELATING TO THE EMPLOYMENT OF
EMPLOYEES' RETIREMENT SYSTEM
RETIRANTS."
(Recommends passage on FINAL READING
as amended C.D. 1)

[58-10](#)
(48 Hrs. Notice)

[S.B. No. 2566, H.D. 2, C.D. 1](#)
"RELATING TO MEDICAL AND
REHABILITATION BENEFITS."
(Recommends passage on FINAL READING
as amended C.D. 1)

7. Standing Committee Report Nos. 3206-3213

[3206](#) (WTL)
(One Day Notice)

[G.M. No. 340](#)
"Submitting for consideration and
confirmation to the Land Use Commission,
Gubernatorial Nominee, RONALD I.
HELLER, for a term to expire 6-30-2014."

(Recommends Senate Consent to
Nomination)

[3207](#) (WTL)
(One Day Notice)

[G.M. No. 341](#)
"Submitting for consideration and
confirmation to the Land Use Commission,
Gubernatorial Nominee, RANSOM A.K.
PILTZ, for a term to expire 6-30-2014."

(Recommends Senate Consent to
Nomination)

[3208](#) (WTL)
(One Day Notice)

[G.M. No. 338](#)
"Submitting for consideration and
confirmation to the Land Use Commission,
Gubernatorial Nominee, DUANE KANUHA,
for a term to expire 6-30-2013."

(Recommends Senate Consent to
Nomination)

[3209](#) (HMS)
(One Day Notice)

[G.M. No. 414](#)
"Submitting for consideration and confirmation to the State Rehabilitation Council, Gubernatorial Nominee, DONALD THOMSON, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[3209](#) (HMS)
(One Day Notice)

[G.M. No. 447](#)
"Submitting for consideration and confirmation to the State Rehabilitation Council, Gubernatorial Nominee, JUDITH CORYELL, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[3209](#) (HMS)
(One Day Notice)

[G.M. No. 448](#)
"Submitting for consideration and confirmation to the State Rehabilitation Council, Gubernatorial Nominee, REGINA GOO, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[3209](#) (HMS)
(One Day Notice)

[G.M. No. 449](#)
"Submitting for consideration and confirmation to the State Rehabilitation Council, Gubernatorial Nominee, GWEN L. KELIIHOOMALU, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[3209](#) (HMS)
(One Day Notice)

[G.M. No. 450](#)
"Submitting for consideration and confirmation to the State Rehabilitation Council, Gubernatorial Nominee, PINA S. LEMUSU, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[3209](#) (HMS)
(One Day Notice)

[G.M. No. 451](#)
"Submitting for consideration and confirmation to the State Rehabilitation Council, Gubernatorial Nominee, HOWARD ALAN LESSER, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[3209](#) (HMS)
(One Day Notice)

[G.M. No. 452](#)
"Submitting for consideration and confirmation to the State Rehabilitation Council, Gubernatorial Nominee, ROBERT SCOTT WALL, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[3210](#) (LBR)
(One Day Notice)

[G.M. No. 422](#)
"Submitting for consideration and confirmation to the Hawai'i Labor Relations Board, Gubernatorial Nominee, NORMAN KENICHI KATO II, for a term to expire 6-30-2011."

(Recommends Senate Consent to Nomination)

[3211](#)
(One Day Notice)

(LBR)

[G.M. No. 453](#)

"Submitting for consideration and confirmation to the Board of Trustees of the Employees' Retirement System (ERS), Gubernatorial Nominee, JERRY RAUCKHORST, for a term to expire 1-1-2014."

(Recommends Senate Consent to Nomination)

[3212](#)
(One Day Notice)

(WTL)

[H.C.R. No. 44](#)

"AUTHORIZING THE SALE OF STATE RECLAIMED LAND AT KAALAEA, KOOLAUPOKO, OAHU, FOR PRIVATE PROPERTY PURPOSES."

(Recommends Adoption)

[3213](#)
(One Day Notice)

(WTL)

[S.R. No. 12, S.D. 1](#)

"REQUESTING THE ESTABLISHMENT OF A STATEWIDE SERVICE PROJECT TO PLANT ONE MILLION TREES AND CLEAN BEACHES ACROSS THE STATE BY OCTOBER 2010, AS PART OF THE CHILDREN AND YOUTH MONTH CELEBRATION." (AMENDED TITLE)

(Recommends Adoption)

ORDER OF THE DAY

8. Deferred Matters – Agree/Disagree

HSE. COM. NO.

REFERRAL

577

[S.C.R. No. 93, S.D. 1, H.D. 1](#)

AGREE/DISAGREE

"REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO REVIEW THE FEASIBILITY OF DEVELOPING SINGLE ROOM OCCUPANCY DWELLINGS IN TRANSIT ORIENTED DEVELOPMENT PROJECTS TO ALLEVIATE THE AFFORDABLE HOUSING SHORTAGE." (AMENDED TITLE) (HHFDC; Single Room Occupancy)

578

[S.C.R. No. 202, S.D. 1, H.D. 1](#)

AGREE/DISAGREE

"AUTHORIZING THE MUTUAL CANCELLATION OF LEASE OF NON-EXCLUSIVE EASEMENT S-5252 AND ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SITUATED AT LAPAAKEA, LAHAINA, MAUI, IDENTIFIED BY TAX MAP KEY: (2) 4-5-001:055: SEAWARD OF TAX MAP KEY: (2) 4-5-001:006."(BLNR; Non-Exclusive Easement; Napili Beach Club)

9. Advise and Consent

3173	EDH	G.M. No. 408 "Submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, Gubernatorial Nominee, ALVIN NAAWAO PARKER, for a term to expire 6-30-2013."
Testimony Status		
3173	EDH	G.M. No. 429 "Submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, Gubernatorial Nominee, GAIL H. AWAKUNI, for a term to expire 6-30-2013."
Testimony Status		
3173	EDH	G.M. No. 430 "Submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, Gubernatorial Nominee, LEONARDO FLORES DELGADO, for a term to expire 6-30-2012."
Testimony Status		
3173	EDH	G.M. No. 431 "Submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, Gubernatorial Nominee, JONATHAN D. KISSIDA, for a term to expire 6-30-2013."
Testimony Status		
3173	EDH	G.M. No. 432 "Submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, Gubernatorial Nominee, RUTH L. SILBERSTEIN, for a term to expire 6-30-2013."
Testimony Status		

3174 Testimony Status	HTH	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."
3175 Testimony Status	HTH	G.M. No. 417 "Submitting for consideration and confirmation to the Mental Health and Substance Abuse, Oahu Service Area Board, Gubernatorial Nominee, ELLEN ALISSA HEID, for a term to expire 6-30-2014."
3176 Testimony Status	HTH	G.M. No. 348 "Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, TIFFANY R. VARA, for a term to expire 6-30-2011."
3176 Testimony Status	HTH	G.M. No. 349 "Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, BARBARA A. IOLI, for a term to expire 6-30-2014."
3177 Testimony Status	HTH	G.M. No. 350 "Submitting for consideration and confirmation to the Mental Health and Substance Abuse, Hawai'i Service Area Board, Gubernatorial Nominee, COLLEEN O'SULLIVAN, for a term to expire 6-30-2011."

3178 Testimony Status	HTH	G.M. No. 437 "Submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, Gubernatorial Nominee, RONALD G. HAY, for a term to expire 6-30-2012."
3178 Testimony Status	HTH	G.M. No. 438 "Submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, Gubernatorial Nominee, LEE A. MANSFIELD, for a term to expire 6-30-2014."
3178 Testimony Status	HTH	G.M. No. 439 "Submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, Gubernatorial Nominee, AUDREY K. UYEMA PAK, for a term to expire 6-30-2011."
3178 Testimony Status	HTH	G.M. No. 440 "Submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, Gubernatorial Nominee, VIRGILIO A. VIERNES, for a term to expire 6-30-2013."
3179 Testimony Status	HTH	G.M. No. 441 "Submitting for consideration and confirmation to the Mental Health and Substance Abuse, Maui Service Area Board, Gubernatorial Nominee, ELOISE JOEY ENOS, for a term to expire 6-30-2014."

[3179](#) HTH
[Testimony Status](#)

[G.M. No. 442](#)
"Submitting for consideration and confirmation to the Mental Health and Substance Abuse, Maui Service Area Board, Gubernatorial Nominee, PETER GONZALEZ, for a term to expire 6-30-2011."

[3180](#) LBR
[Testimony Status](#)

[G.M. No. 369](#)
"Submitting for consideration and confirmation to the Hawai'i Workforce Development Council, Gubernatorial Nominee, ALENA N. MEDEIROS, for a term to expire 6-30-2010."

[3180](#) LBR
[Testimony Status](#)

[G.M. No. 370](#)
"Submitting for consideration and confirmation to the Hawai'i Workforce Development Council, Gubernatorial Nominee, ALENA N. MEDEIROS, for a term to expire 6-30-2014."

10. Final Reading

[S.B. No. 2323, H.D. 2](#)
[Testimony Prior Versions Status](#)

"RELATING TO EMPLOYMENT SECURITY."

(Prohibiting Online Requirements by the Department of Labor and Industrial Relations)

11. Miscellaneous Communications: None

12. Miscellaneous Business

13. Announcements

• Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
CONF	4/20/2010 1:00 PM	229
CONF	4/20/2010 1:00 PM	224
EDH	4/20/2010 1:20 PM	329
CONF	4/20/2010 1:30 PM	225
WTL/JGO	4/20/2010 1:30 PM	224
CONF	4/20/2010 2:00 PM	329
CONF	4/20/2010 2:00 PM	224
CONF	4/20/2010 2:15 PM	325
CONF	4/20/2010 2:30 PM	325
CONF	4/20/2010 2:30 PM	329
CONF	4/20/2010 2:30 PM	423
CONF	4/20/2010 3:00 PM	312
CONF	4/20/2010 3:30 PM	225
CONF	4/20/2010 3:30 PM	224
CONF	4/20/2010 3:30 PM	225
CONF	4/20/2010 5:00 PM	016
CONF	4/20/2010 6:00 PM	309
CONF	4/20/2010 7:00 PM	309
CONF	4/20/2010 7:30 PM	309
CONF	4/21/2010 9:00 AM	229
CONF	4/21/2010 9:15 AM	312
CONF	4/21/2010 9:20 AM	312
CONF	4/21/2010 10:00 AM	229
CONF	4/21/2010 1:30 PM	229
EDT	4/21/2010 1:30 PM	423
PSM/TIA	4/21/2010 1:30 PM	312
PSM	4/21/2010 1:40 PM	312
CONF	4/21/2010 2:00 PM	229
CONF	4/21/2010 2:00 PM	329
CONF	4/21/2010 2:00 PM	423
CONF	4/21/2010 2:00 PM	329
CONF	4/21/2010 2:30 PM	224
CONF	4/21/2010 2:30 PM	329
CONF	4/21/2010 4:00 PM	224
CONF	4/21/2010 4:05 PM	224
CONF	4/21/2010 4:10 PM	224
CONF	4/21/2010 4:30 PM	325
PSM/HMS	4/22/2010 9:00 AM	312
CONF	4/22/2010 10:00 AM	229

CONF	4/23/2010 9:00 AM	016
CONF	4/23/2010 9:30 AM	016
TIA	4/23/2010 10:30 AM	225
PSM	4/28/2010 8:30 AM	229

- Senate Session will convene at 11:30 a.m. on Wednesday, April 21, 2010.

14. Adjournment