

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

FIFTY-FOURTH DAY

APRIL 21, 2010-WEDNESDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by The Honorable Norman Sakamoto
Hawai'i State Senate

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 496-500

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 496	Informing the Senate that on April 20, 2010, the Governor signed the following bill into law: HB134 HD2 SD2 (Act 038). "RELATING TO MOTOR VEHICLE DRIVER LICENSING."	FILE
G.M. No. 497	Informing the Senate that on April 20, 2010, the Governor signed the following bill into law: HB2027 HD1 SD1 (Act 039). "RELATING TO DISHONORED CHECKS."	FILE
G.M. No. 498	Informing the Senate that on April 20, 2010, the Governor signed the following bill into law: HB2383 HD1 SD2 (Act 040). "RELATING TO FLAGS."	FILE

[G.M. No. 499](#) Informing the Senate that on April 20, 2010, the Governor signed the following bill into law: FILE
[SB2122 SD1](#) (Act 041).
"RELATING TO RESEARCH."

[G.M. No. 500](#) Informing the Senate that on April 20, 2010, the Governor signed the following bill into law: FILE
[SB2389](#) (Act 042).
"RELATING TO THE UNIVERSITY OF HAWAII."

2. Departmental Communications: None

3. House Communication Nos. 598-604

Informing the Senate that on April 20, 2010, the House agreed to the amendments proposed by the Senate and that said bill passed Final Reading in the House: REFERRAL

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

Informing the Senate that on April 20, 2010, the House reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House Bill:

599 [H.B. No. 2297, H.D. 2, S.D. 2](#) FILE
"RELATING TO MOTOR VEHICLE SUN SCREENING DEVICES."(Motor Vehicles)

Returning the following Senate Concurrent Resolutions which were adopted by the House on April 20, 2010:

- | | | |
|-----|--|------|
| 600 | <u>S.C.R. No. 108, S.D. 2</u>
"REQUESTING THE CONVENING OF A TASK FORCE TO ESTABLISH A CONSISTENT FUNDING FORMULA, PROCESS, OR BOTH, BY WHICH EQUITABLE FUNDING TO CHARTER SCHOOLS IS DETERMINED."(Charter Schools Funding Task Force) | FILE |
| 601 | <u>S.C.R. No. 140, S.D. 1</u>
"REQUESTING THE DEPARTMENT OF EDUCATION TO RESPOND TO KPMG'S RECOMMENDATIONS REGARDING IMPROVEMENTS TO THE DEPARTMENT'S OPERATIONS AND WORKFLOW."(DOE Pilot Project; Moanalua Complex; Response to Review) | FILE |
| 602 | <u>S.C.R. No. 195, S.D. 1</u>
"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."(Children with Disabilities; Sign Language; Simultaneous Communication) | FILE |
| 603 | <u>S.C.R. No. 201</u>
"URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO ADOPT RULES TO PROHIBIT ABUSIVE WORK ENVIRONMENTS."(Abusive Work Environments) | FILE |

[15-10](#)
(48 Hrs. Notice)

[H.B. No. 2676, H.D. 1, S.D. 1, C.D. 1](#)
"RELATING TO THE KAHO'OLAWA
ISLAND RESERVE COMMISSION."
(Recommends passage on FINAL READING
as amended C.D. 1)

[16-10](#)
(48 Hrs. Notice)

[H.B. No. 2239, S.D. 2, C.D. 1](#)
"RELATING TO THE DEPOSIT
BEVERAGE CONTAINER PROGRAM."
(Recommends passage on FINAL READING
as amended C.D. 1)

[59-10](#)
(48 Hrs. Notice)

[S.B. No. 950, S.D. 2, H.D. 3, C.D. 1](#)
"RELATING TO ELECTRIC GUNS."
(Recommends passage on FINAL READING
as amended C.D. 1)

[60-10](#)
(48 Hrs. Notice)

[S.B. No. 2449, H.D. 1, C.D. 1](#)
"RELATING TO DRIVER LICENSING."
(Recommends passage on FINAL READING
as amended C.D. 1)

[61-10](#)
(48 Hrs. Notice)

[S.B. No. 2019, S.D. 1, H.D. 2, C.D. 1](#)
"RELATING TO THE MAXIMUM TERM
OF COMMERCIAL USE AND OPERATOR
PERMITS FOR THRILL CRAFT AND
PARASAILING."
(Recommends passage on FINAL READING
as amended C.D. 1)

[62-10](#)
(48 Hrs. Notice)

[S.B. No. 2817, S.D. 1, H.D. 1, C.D. 1](#)
"RELATING TO SOLAR ENERGY
DEVICES."
(Recommends passage on FINAL READING
as amended C.D. 1)

ORDER OF THE DAY

7. Deferred Matters – Agree/Disagree

HSE. COM. NO.

REFERRAL

578	S.C.R. No. 202, S.D. 1, H.D. 1 "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)	AGREE/DISAGREE
594	S.C.R. No. 18, S.D. 1, H.D. 1 "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)	AGREE/DISAGREE
595	S.C.R. No. 110, S.D. 2, H.D. 1 "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)	AGREE/DISAGREE

596

[S.C.R. No. 183, S.D. 1, H.D. 1](#)

AGREE/DISAGREE

"CONVENING A LEGISLATIVE NOISE POLLUTION TASK FORCE TO REVIEW BEST PRACTICES FROM OTHER STATES IN REDUCING URBAN NOISE POLLUTION."(Noise Pollution; Legislative Task Force)

8. Advise and Consent

[3206](#)

WTL

[G.M. No. 340](#)

[Testimony Status](#)

"Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, RONALD I. HELLER, for a term to expire 6-30-2014."

[3207](#)

WTL

[G.M. No. 341](#)

[Testimony Status](#)

"Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, RANSOM A.K. PILTZ, for a term to expire 6-30-2014."

[3208](#)

WTL

[G.M. No. 338](#)

[Testimony Status](#)

"Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, DUANE KANUHA, for a term to expire 6-30-2013."

[3209](#)

HMS

[G.M. No. 414](#)

[Testimony Status](#)

"Submitting for consideration and confirmation to the State Rehabilitation Council, Gubernatorial Nominee, DONALD THOMSON, for a term to expire 6-30-2013."

3209 Testimony Status	HMS	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."
3209 Testimony Status	HMS	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."
3209 Testimony Status	HMS	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."
3209 Testimony Status	HMS	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."
3209 Testimony Status	HMS	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."
3209 Testimony Status	HMS	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."

[3210](#) LBR
[Testimony](#) [Status](#)

[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."

[3211](#) LBR
[Testimony](#) [Status](#)

[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."

9. Final Adoption

[S.C.R. No. 93, S.D. 1, H.D. 1](#)
[Testimony](#) [Prior Versions](#) [Status](#)

"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)

10. Adopt Resolutions

[3212](#) WTL

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

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

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

[3213](#) WTL

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

[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)

11. Final Reading

[Conf. Com. Rep. No. 8 - 10](#)

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

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

"RELATING TO PUBLIC ORDER."

(Public Order; Public Urination and Defecation)

[Conf. Com. Rep. No. 55 - 10](#)

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

[S.B. No. 2187, S.D. 1, H.D. 2, C.D. 1](#)

"RELATING TO THE HAWAII TOURISM AUTHORITY."

(Hawaii Tourism Authority; Marketing; Autonomy)

[Conf. Com. Rep. No. 56 - 10](#)

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

[S.B. No. 2441, S.D. 2, H.D. 2, C.D. 1](#)

"RELATING TO ENDANGERED SPECIES."

(Endangered Species; Hawaiian Monk Seal; Felony)

[Conf. Com. Rep. No. 57 - 10](#)

[S.B. No. 2607, S.D. 2, H.D. 1, C.D. 1](#)
"RELATING TO ACTIVITY DESKS."

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

(Activity Desks; Client Trust Accounts)

12. Miscellaneous Communications: None

13. Miscellaneous Business:

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

[S.B. No. 2523, S.D. 2, H.D. 2](#)

WTL, WAM

"RELATING TO AGRICULTURAL
INSPECTIONS."

14. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
CONF	4/21/2010 1:00 PM	225
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 2:00 PM	225
CONF	4/21/2010 2:15 PM	325
CONF	4/21/2010 2:30 PM	325
CONF	4/21/2010 2:30 PM	224
CONF	4/21/2010 2:30 PM	329
CONF	4/21/2010 3:00 PM	329

CONF	4/21/2010 3:15 PM	225
CONF	4/21/2010 3:30 PM	329
CONF	4/21/2010 3:30 PM	224
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
CONF	4/21/2010 5:00 PM	309
CONF	4/21/2010 7:30 PM	309
PSM/HMS	4/22/2010 9:00 AM	312
CONF	4/22/2010 10:00 AM	229
CONF	4/22/2010 10:00 AM	225
CONF	4/22/2010 10:30 AM	229
CONF	4/22/2010 11:00 AM	309
CONF	4/22/2010 2:30 PM	423
CONF	4/22/2010 3:00 PM	312
CONF	4/23/2010 9:00 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 6:30 p.m. on Thursday, April 22, 2010.

15. Adjournment