

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

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FIFTY-FIFTH DAY

APRIL 22, 2010-THURSDAY-6:30 O'CLOCK P.M.

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ORDER OF BUSINESS

Invocation by Rabbi Peter B. Schaktman  
Temple Emanu-El

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 501-504

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<a href="#">G.M. No. 501</a>	Informing the Senate that on April 21, 2010, the Governor signed the following bill into law: <a href="#">HB2136 SD1</a> (Act 043). "RELATING TO DISTRIBUTIONS BY NONPROFIT CORPORATIONS."	FILE
<a href="#">G.M. No. 502</a>	Informing the Senate that on April 21, 2010, the Governor signed the following bill into law: <a href="#">HB1927 HD2 SD1</a> (Act 044). "RELATING TO OWNER-BUILDERS."	FILE
<a href="#">G.M. No. 503</a>	Informing the Senate that on April 22, 2010, the Governor signed the following bill into law: <a href="#">SB2137 SD1 HD1</a> (Act 045). "RELATING TO HEALTH CLUBS."	FILE

[G.M. No. 504](#)

Informing the Senate that on April 22, 2010, the Governor signed the following bill into law:  
[SB2649 SD2](#) (Act 046).  
"RELATING TO UNIVERSITY OF HAWAII PROJECTS."

FILE

2. Departmental Communications: None
3. House Communications: Nos. 605-613

Informing the Senate that on April 21, 2010, the House agreed to the amendments proposed by the Senate and that said bill passed Final Reading in the House:

REFERRAL

605

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

FILE

Informing the Senate that on April 21, 2010, the following bills passed Final Reading in the House:

606

[H.B. No. 1862, H.D. 1, S.D. 1, C.D. 1](#)  
"RELATING TO PUBLIC ORDER."(Public Order; Public Urination and Defecation)

FILE

[S.B. No. 2187, S.D. 1, H.D. 2, C.D. 1](#)  
"RELATING TO THE HAWAII TOURISM AUTHORITY."(Hawaii Tourism Authority; Marketing; Autonomy)

[S.B. No. 2441, S.D. 2, H.D. 2, C.D. 1](#)  
"RELATING TO ENDANGERED SPECIES."(Endangered Species; Hawaiian Monk Seal; Felony)

[S.B. No. 2607, S.D. 2, H.D. 1, C.D. 1](#)  
"RELATING TO ACTIVITY DESKS."(Activity Desks; Client Trust Accounts)

Returning the following Senate Concurrent Resolutions which were adopted by the House on April 21, 2010:

- |     |   |      |
|-----|---|------|
| 607 | <p><a href="#"><u>S.C.R. No. 172, S.D. 1</u></a><br/>"REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND THE HAWAII PAROLING AUTHORITY TO IDENTIFY UP TO FIVE HUNDRED NON-VIOLENT INMATES WHO COULD BE INVOLVED IN A DAY REPORTING CENTER, BE MONITORED VIA TWENTY-FOUR HOUR/SEVEN DAYS A WEEK GPS ELECTRONIC MONITORING, BE INCLUDED IN AN EXTENDED WORK FURLOUGH PROGRAM, AND/OR BE ELIGIBLE FOR AN EARLY RELEASE PROGRAM."(DPS; Day Reporting; Monitoring)</p> | FILE |
| 608 | <p><a href="#"><u>S.C.R. No. 180, S.D. 1</u></a><br/>"REQUESTING A REPORT OF THE WIRELESS ENHANCED 911 FUND."(Wireless Enhanced 911 Fund; Report)</p>   | FILE |
| 609 | <p><a href="#"><u>S.C.R. No. 190, S.D. 1</u></a><br/>"REQUESTING THE CORRECTIONS POPULATION MANAGEMENT COMMISSION TO RESUME ITS MEETINGS AND TO MEET AT LEAST QUARTERLY."(Corrections Population Management Commission; Public Safety)</p>  | FILE |
| 610 | <p><a href="#"><u>S.C.R. No. 191, S.D. 1</u></a><br/>"REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE PAROLE PILOT PROGRAM."(HOPE Parole Pilot Project)</p>  | FILE |



[18-10](#)  
(48 Hrs. Notice)

[H.B. No. 1987, H.D. 2, S.D. 2, C.D. 1](#)  
"RELATING TO FIREWORKS."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[19-10](#)  
(48 Hrs. Notice)

[H.B. No. 1684, H.D. 2, S.D. 2, C.D. 1](#)  
"RELATING TO INVASIVE SPECIES."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[20-10](#)  
(48 Hrs. Notice)

[H.B. No. 2289, H.D. 2, S.D. 1, C.D. 1](#)  
"RELATING TO GIFT CERTIFICATES."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[21-10](#)  
(48 Hrs. Notice)

[H.B. No. 2283, H.D. 2, S.D. 1, C.D. 1](#)  
"RELATING TO PUBLIC  
PROCUREMENT."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[22-10](#)  
(48 Hrs. Notice)

[H.B. No. 1863, H.D. 1, S.D. 1, C.D. 1](#)  
"RELATING TO PROSTITUTION."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[23-10](#)  
(48 Hrs. Notice)

[H.B. No. 1992, H.D. 1, S.D. 1, C.D. 1](#)  
"RELATING TO THE INTERMEDIATE  
APPELLATE COURT."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[24-10](#)  
(48 Hrs. Notice)

[H.B. No. 2595, H.D. 1, S.D. 2, C.D. 1](#)  
"RELATING TO GENERAL EXCISE  
TAX."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[25-10](#)  
(48 Hrs. Notice)

[H.B. No. 1818, H.D. 2, S.D. 2, C.D. 1](#)  
"RELATING TO COGNITIVE  
RESTRUCTURING."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[26-10](#)  
(48 Hrs. Notice)

[H.B. No. 2288, H.D. 1, S.D. 2, C.D. 1](#)  
"RELATING TO PRIVATE TRANSFER  
FEES."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[27-10](#)  
(48 Hrs. Notice)

[H.B. No. 2497, S.D. 1, C.D. 1](#)  
"RELATING TO THE ISSUANCE OF  
SPECIAL PURPOSE REVENUE BONDS."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[63-10](#)  
(48 Hrs. Notice)

[S.B. No. 2150, H.D. 1, C.D. 1](#)  
"RELATING TO APPELLATE  
JURISDICTION."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[64-10](#)  
(48 Hrs. Notice)

[S.B. No. 2257, S.D. 2, H.D. 1, C.D. 1](#)  
"RELATING TO ELECTRONIC  
WARRANT VOUCHERS."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[65-10](#)  
(48 Hrs. Notice)

[S.B. No. 2256, S.D. 1, H.D. 1, C.D. 1](#)  
"RELATING TO THE DEPARTMENT OF  
EDUCATION."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[66-10](#)  
(48 Hrs. Notice)

[S.B. No. 2169, S.D. 2, H.D. 2, C.D. 1](#)  
"RELATING TO SHARK FINS."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[67-10](#)  
(48 Hrs. Notice)

[S.B. No. 2020, H.D. 2, C.D. 1](#)  
"RELATING TO REAL PROPERTY."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[68-10](#)  
(48 Hrs. Notice)

[S.B. No. 2545, S.D. 2, H.D. 2, C.D. 1](#)  
"RELATING TO INTOXICATING  
LIQUOR."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[69-10](#)  
(48 Hrs. Notice)

[S.B. No. 2646, S.D. 1, H.D. 2, C.D. 1](#)  
"RELATING TO HAWAII SURFING  
RESERVES."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[70-10](#)  
(48 Hrs. Notice)

[S.B. No. 633, S.D. 1, H.D. 2, C.D. 1](#)  
"RELATING TO WATER."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[71-10](#)  
(48 Hrs. Notice)

[S.B. No. 1059, S.D. 2, H.D. 3, C.D. 1](#)  
"RELATING TO FIREWORKS."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[72-10](#)  
(48 Hrs. Notice)

[S.B. No. 1105, S.D. 2, H.D. 1, C.D. 1](#)  
"RELATING TO LEGISLATIVE  
HEARINGS AND PROCEDURES."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[73-10](#)  
(48 Hrs. Notice)

[S.B. No. 2154, S.D. 1, H.D. 1, C.D. 1](#)  
"RELATING TO ADULT PROBATION  
RECORDS."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[74-10](#)  
(48 Hrs. Notice)

[S.B. No. 2472, S.D. 2, H.D. 1, C.D. 1](#)  
"RELATING TO MORTGAGE  
FORECLOSURES."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[75-10](#)  
(48 Hrs. Notice)

[S.B. No. 2643, S.D. 1, H.D. 1, C.D. 1](#)  
"RELATING TO GENERAL EXCISE  
TAX."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

7. Standing Committee Report Nos. 3214-3233

[3214](#) (WAM)  
(One Day Notice)

[G.M. No. 423](#)  
"Submitting for consideration and  
confirmation to the Board of Taxation  
Review, 1st Taxation District (Oahu),  
Gubernatorial Nominee, ALAN MUN  
LEONG YEE, for a term to expire 6-30-  
2014."

(Recommends Senate Consent to  
Nomination)



[3215](#) (WAM)  
(One Day Notice)

[G.M. No. 424](#)  
"Submitting for consideration and confirmation to the Board of Taxation Review, 3rd Taxation District, Gubernatorial Nominee, MICHAEL CHANG, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[3216](#) (WAM)  
(One Day Notice)

[G.M. No. 455](#)  
"Submitting for consideration and confirmation to the Board of Taxation Review, 2nd Taxation District (Maui), Gubernatorial Nominee, MICHELE A. KATO, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[3217](#) (WAM)  
(One Day Notice)

[G.M. No. 456](#)  
"Submitting for consideration and confirmation to the Board of Taxation Review, 2nd Taxation District (Maui), Gubernatorial Nominee, FAYE M. MURAYAMA, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3218](#) (WAM)  
(One Day Notice)

[G.M. No. 457](#)  
"Submitting for consideration and confirmation to the Tax Review Commission, Gubernatorial Nominee, MICHAEL T. MCENERNEY, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3219](#)  
(One Day Notice)

(WAM)

[G.M. No. 458](#)

"Submitting for consideration and confirmation to the Tax Review Commission, Gubernatorial Nominee, GREGG M. TAKETA, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3220](#)  
(One Day Notice)

(EDH)

[H.C.R. No. 167, H.D. 1](#)

"REQUESTING THE BOARD OF EDUCATION TO ADOPT A POLICY FOR THE INTEGRATION OF A PEDAGOGY OF ALOHA IN PUBLIC SCHOOLS FOR IMPROVED LEARNING IN THE 21ST CENTURY."

(Recommends Adoption)

[3221](#)  
(One Day Notice)

(ENE)

[H.C.R. No. 235, H.D. 2](#)

"SUPPORTING THE PHASE OUT OF PRODUCTION AND IMPORTATION OF DECA-BROMODIPHENYL ETHER IN THE UNITED STATES." (AMENDED TITLE)

(Recommends Adoption)

[3222](#)  
(One Day Notice)

(ENE/TIA)

[H.C.R. No. 216](#)

"EXPRESSING SUPPORT FOR HAWAII TO PURSUE THE BID TO HOST THE 2016 INTERNATIONAL UNION FOR CONSERVATION OF NATURE WORLD CONSERVATION CONGRESS."

(Recommends Adoption)

[3223](#)  
(One Day Notice)

(WTL/JGO)

[H.C.R. No. 289, H.D. 1](#)

"REQUESTING STATE PUBLIC ENTITIES TO COMMIT TO HEALTHIER AND MORE NUTRITIOUS MEALS IN THEIR PROGRAMS BY SPENDING MORE OF THEIR FOOD DOLLARS FOR LOCALLY-PRODUCED PRODUCE OR OTHER HAWAII AGRICULTURAL PRODUCTS."  
(AMENDED TITLE)  
(Recommends Adoption)

[3224](#)  
(One Day Notice)

(EDT)

[G.M. No. 435](#)

"Submitting for consideration and confirmation to the State Foundation on Culture and the Arts Commission, Gubernatorial Nominee, CLIFFORD P. KAPONO, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[3225](#)  
(One Day Notice)

(HRE)

[G.M. No. 377](#)

"Submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, Gubernatorial Nominee, MATTHEW R. WILLIAMS, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3226](#)  
(One Day Notice)

(HRE)

[G.M. No. 378](#)

"Submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, Gubernatorial Nominee, CHUCK Y. GEE, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[3227](#)  
(One Day Notice)

(HRE)

[G.M. No. 379](#)

"Submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, Gubernatorial Nominee, RONALD D. MONTGOMERY, for a term to expire 6-30-2015."

(Recommends Senate Not Consent to Nomination)

[3228](#)  
(One Day Notice)

(HMS)

[H.C.R. No. 262, H.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."

(Recommends Adoption)

[3229](#)  
(One Day Notice)

(PSM)

[H.C.R. No. 123](#)

"RECOGNIZING AEROSPACE AS A STRATEGIC AND TIMELY GROWTH INDUSTRY FOR HAWAII AND REQUESTING THE STATE ADMINISTRATION TO TAKE PROACTIVE, COORDINATED, AND SUSTAINED ACTION TO FULLY REALIZE THE SIGNIFICANT SCIENTIFIC, EDUCATIONAL, AND COMMERCIAL BENEFITS THE AEROSPACE INDUSTRY CAN BRING TO THE STATE."

(Recommends Adoption)

[3230](#)  
(One Day Notice)

(PSM)

[H.C.R. No. 139](#)

"REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO WORK WITH THE HAWAII LAW ENFORCEMENT MEMORIAL FOUNDATION, THE COUNTY POLICE DEPARTMENTS, THE DEPARTMENT OF PUBLIC SAFETY, THE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII, THE STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS, AND THE CONCERNS OF POLICE SURVIVORS INCORPORATED, TO PLAN AND CONSTRUCT A HAWAII STATE LAW ENFORCEMENT MEMORIAL."

(Recommends Adoption)

[3231](#)  
(One Day Notice)

(PSM)

[H.C.R. No. 187](#)

"REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE PAROLE PILOT PROGRAM."

(Recommends Adoption)

[3232](#)  
(One Day Notice)

(PSM)

[H.C.R. No. 223, H.D. 1](#)

"REQUESTING THE LEGISLATIVE REFERENCE BUREAU, WITH ASSISTANCE FROM THE DEPARTMENT OF DEFENSE, TO CONDUCT A STUDY ON THE FEASIBILITY OF USING LUALUALEI NAVAL ROAD AS AN EVACUATION ROUTE IN THE EVENT OF AN EMERGENCY OR NATURAL DISASTER ON THE LEEWARD COAST."

(AMENDED TITLE)

(Recommends Adoption)

[3233](#)  
(One Day Notice)

(PSM/TIA)

[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."  
(Recommends Adoption)

ORDER OF THE DAY

8. Deferred Matters – Agree/Disagree

HSE. COM. NO.

REFERRAL

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)

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)

9. Final Adoption

[S.C.R. No. 18, S.D. 1,](#) WAM  
[H.D. 1](#)

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

"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."

[S.C.R. No. 110, S.D. 2,](#) EDH, WAM  
[H.D. 1](#)

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

"REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO DEVELOP A COMPREHENSIVE PLAN TO IMPROVE AWARENESS OF AND STRENGTHEN SUPPORT FOR PERSONS WITH DYSLEXIA."

10. Final Reading

[Conf. Com. Rep. No. 9 - 10](#)

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

[H.B. No. 2077, H.D. 1, S.D. 1, C.D. 1](#)  
"RELATING TO EDUCATION."

(Department of Education; High School Student Age Limits)

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

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

[H.B. No. 2631, H.D. 2, S.D. 2, C.D. 1](#)  
"RELATING TO ENERGY INDUSTRY REPORTING."

(Petroleum Industry; Information)

[Conf. Com. Rep. No. 11 - 10](#)

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

[H.B. No. 2533, H.D. 1, S.D. 2, C.D. 1](#)

"RELATING TO THE EMPLOYMENT OF EMPLOYEES' RETIREMENT SYSTEM RETIRANTS."

(Employees' Retirement System;  
Reemployment of Retirants)

[Conf. Com. Rep. No. 58 - 10](#)

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

[S.B. No. 2566, H.D. 2, C.D. 1](#)

"RELATING TO MEDICAL AND REHABILITATION BENEFITS."

(Medical and Rehabilitation Benefits)

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

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

"RELATING TO AGRICULTURAL INSPECTIONS."

(Pest Inspection, Quarantine, and Eradication Service Fee)

11. Miscellaneous Communications: None

12. Miscellaneous Business

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

[S.B. No. 2547, S.D. 1, H.D. 1](#)

WTL

"RELATING TO SMALL BOAT HARBORS."



### 13. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE &amp; TIME</u>	<u>ROOM</u>
CONF	4/22/2010 7:30 PM	224
CONF	4/22/2010 7:30 PM	225
CONF	4/23/2010 9:00 AM	229
CONF	4/23/2010 9:00 AM	016
CONF	4/23/2010 9:30 AM	016
CONF	4/23/2010 10:00 AM	229
CONF	4/23/2010 10:00 AM	312
CONF	4/23/2010 10:00 AM	225
CONF	4/23/2010 10:30 AM	229
TIA	4/23/2010 10:30 AM	225
CONF	4/23/2010 11:00 AM	309
CONF	4/23/2010 1:00 PM	329
CONF	4/23/2010 1:00 PM	229
CONF	4/23/2010 1:30 PM	229
CONF	4/23/2010 1:30 PM	423
CONF	4/23/2010 2:00 PM	329
CONF	4/23/2010 2:30 PM	329
CONF	4/23/2010 3:00 PM	312
PSM	4/26/2010 2:00 PM	229
PSM	4/28/2010 8:30 AM	229

- Senate Session will convene at 6:30 p.m. on Friday, April 23, 2010.

### 14. Adjournment