

THE SENATE
OF THE
TWENTY-FOURTH LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 2008

FORTY-THIRD DAY

APRIL 2, 2008-WEDNESDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by Mr. Dan Chun
President of Hawaiian Island Ministries

Roll Call

Approval of the Journal

Introductions

- Floor Presentations:

HONORING AND RECOGNIZING THE 25TH ANNIVERSARY OF HAWAIIAN ISLAND MINISTRIES. (Senator Sakamoto)

HONORING AND RECOGNIZING THE U.S. SMALL BUSINESS ADMINISTRATION 2008 AWARD WINNERS. (Senator Fukunaga)

1. Messages from the Governor: Nos. 617-619

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 617	Dated March 24, 2008, transmitting a Report on the State of Hawaii's Sister States, prepared by the Department of Business, Economic Development and Tourism, Strategic Marketing Division, pursuant to Section 229-2, HRS.	FILE

[G.M. No. 618](#) Dated March 28, 2008, transmitting the Annual Report on Bikeway Expenditures and Current Projects, prepared by the Department of Transportation pursuant to Section 264-18, HRS. FILE

[G.M. No. 619](#) Dated March 31, 2008, transmitting a report on the Department of Human Services' Support of Project Cuddles to Help Prevent Infants from Being Abandoned, prepared by the Social Services Division, pursuant to H.C.R. No. 344 and H.R. No. 276 (2007). FILE

2. Departmental Communication No. 39

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
D.C. No. 39	From the Office of Hawaiian Affairs dated March 11, 2008, transmitting the Final Report of the Hawaii State Temporary Advisory Commission on Bioprospecting pursuant to H.C.R. No. 193 (2006).	FILE

3. House Communication Nos. 429-445

	Informing the Senate that on April 1, 2008, the following House Concurrent Resolutions were adopted in the House:	<u>REFERRAL</u>
429	H.C.R. No. 22, H.D. 1 "RECOGNIZING THE COURAGEOUS CONTRIBUTIONS AND SERVICE OF THE FILIPINO VETERANS OF WORLD WAR II."(Filipino Veterans)	

- 430 [H.C.R. No. 101](#)
"RECOGNIZING PATSY TAKEMOTO MINK FOR CHAMPIONING THE CAUSE OF EQUITY IN ATHLETICS AND EDUCATION ON BEHALF OF ALL WOMEN IN THE UNITED STATES."(Equity in Athletics and Education; Congresswoman Patsy Takemoto Mink)
- 431 [H.C.R. No. 109](#)
"REQUESTING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO ENACT THE FILIPINO AMERICAN VETERANS EQUITY ACT OF 2007, OR SIMILAR LEGISLATION PROVIDING VETERANS BENEFITS TO FILIPINO VETERANS WHO SERVED OUR NATION IN WORLD WAR II."(□)
- 432 [H.C.R. No. 116](#)
"REQUESTING THE UNIVERSITY OF HAWAII AGRICULTURAL DIAGNOSTIC SERVICE CENTER, IN CONSULTATION WITH OTHER PUBLIC AND PRIVATE ENTITIES, TO CARRY OUT A SURVEY OF INFORMATION NEEDS OF HAWAII'S AGRICULTURAL INDUSTRY, AND ASSESS WHETHER THE HAWAII AGRICULTURAL INFORMATION CENTER CAN MEET THE INFORMATION NEEDS OF HAWAII'S AGRICULTURAL INDUSTRY."(Hawaii Agricultural Information Center)
- 433 [H.C.R. No. 169](#)
"URGING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION TO IMPLEMENT A PLAYOFF SYSTEM TO DETERMINE A NATIONAL CHAMPION IN THE FOOTBALL BOWL SUBDIVISION OF COLLEGIATE FOOTBALL."(Urging the NCAA to implement a playoff system to determine a national champion in the football bowl subdivision of collegiate football.)

- 434 [H.C.R. No. 226](#)
"REQUESTING THE UNIVERSITY OF HAWAII'S JOHN A. BURNS SCHOOL OF MEDICINE TO PROVIDE ADMISSION PREFERENCE TO STUDENTS THAT MIRRORS THE DEMOGRAPHICS OF RURAL HEALTH PROFESSIONAL SHORTAGE AREAS OF THE STATE TO ADDRESS THE SHORTAGE OF PHYSICIANS ON OUR NEIGHBOR ISLANDS."(Health Professional Shortage Areas; John A. Burns School of Medicine)
- 435 [H.C.R. No. 239, H.D. 1](#)
"REQUESTING THE LEGISLATIVE REFERENCE BUREAU AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT STUDIES ON THE POTENTIAL FINANCIAL AND ECONOMIC IMPACTS TO THE STATE AND THE STATE'S HEALTHCARE SYSTEM OF PROVIDING CARE FOR PATIENTS WITH CHRONIC KIDNEY DISEASE AT ALL FIVE STAGES."(Chronic Kidney Disease)
- 436 [H.C.R. No. 246, H.D. 1](#)
"ENCOURAGING THE DEVELOPMENT OF GOOD FAITH VALUATION STANDARDS AND NEGOTIATING PRACTICES FOR LONG-TERM INDUSTRIAL AND COMMERCIAL REAL ESTATE LEASES IN HAWAII."(Industrial and Commercial Leases)
- 437 [H.C.R. No. 248, H.D. 1](#)
"REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE CITY AND COUNTY OF HONOLULU TO EVALUATE THE POSSIBILITY OF USING A CONSERVATION LAND TRUST IN THE ALA WAI WATERSHED AREA."(Ala Wai Watershed; Conservation Land Trust)

- 438 [H.C.R. No. 271](#)
"URGING THE PREVENTION OF THE SALE
OF OIL AND GAS LEASES AND OF
DRILLING IN THE CHUKCHI AND
BEAUFORT SEA REGIONS OF
ALASKA."(Oil and Gas Drilling; Alaska;
Endangered Species)
- 439 [H.C.R. No. 276, H.D. 1](#)
"REQUESTING THAT THE UNIVERSITY OF
HAWAII SCHOOL OF SOCIAL WORK
DEDICATE ITS SCHOOL IN HONOR OF
MYRON "PINKY" THOMPSON, BY
CHANGING ITS NAME TO THE "MYRON
THOMPSON SCHOOL OF SOCIAL
WORK"."(University of Hawaii School of Social
Work; Myron Pinky Thompson)
- 440 [H.C.R. No. 312](#)
"URGING THE UNIVERSITY OF HAWAII TO
EXTEND ITS LAND LEASE WITH THE HIGH
TECHNOLOGY DEVELOPMENT
CORPORATION TO CONTINUE TO
OPERATE THE MANOA INNOVATION
CENTER."(High Technology Development
Corporation; Land Lease)
- 441 [H.C.R. No. 373](#)
"EXPRESSING GRATITUDE TO THE
RESIDENTS OF KALAUPAPA AND THEIR
FAMILIES FOR THE SACRIFICES THEY
MADE LIVING IN ISOLATION ON THE
ISLAND OF MOLOKAI AND FOR BEING
SEPARATED FROM SOCIETY."(Hansen's
Disease; Molokai; Kalaupapa)

Returning the following Senate Bills which
passed Third Reading in the House on April 1,
2008:

- 442 [S.B. No. 2258, S.D. 1](#)
"RELATING TO THE WIRELESS ENHANCED
911 BOARD."(Wireless Enhanced 911 Board;
Proxy)

FILE

6. Standing Committee Report Nos. 3282-3301

[3282](#) (CPH)
(One Day Notice)

[G.M. No. 323](#)
"Submitting for consideration and confirmation to the Real Estate Commission, Gubernatorial Nominee, CAROL MAE A. BALL, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3282](#) (CPH)
(One Day Notice)

[G.M. No. 324](#)
"Submitting for consideration and confirmation to the Real Estate Commission, Gubernatorial Nominee, MICHELE SUNAHARA LOUDERMILK, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3283](#) (CPH)
(One Day Notice)

[G.M. No. 305](#)
"Submitting for consideration and confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, Gubernatorial Nominee, MICHAEL S. CHU, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3283](#)
(One Day Notice)

(CPH)

[G.M. No. 306](#)

"Submitting for consideration and confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, Gubernatorial Nominee, ROSS S. OKUDA, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3284](#)
(One Day Notice)

(CPH)

[G.M. No. 303](#)

"Submitting for consideration and confirmation to the Credit Union Advisory Board, Gubernatorial Nominee, WAYNE MINORU SHINTANI, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3285](#)
(One Day Notice)

(CPH)

[G.M. No. 301](#)

"Submitting for consideration and confirmation to the Contractors License Board, Gubernatorial Nominee, DENNY R. SADOWSKI, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3286](#)
(One Day Notice)

(TSG)

[G.M. No. 541](#)

"Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, Gubernatorial Nominee, SHARON R. WEINER, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3287](#)
(One Day Notice)

(CPH)

[S.C.R. No. 134, S.D. 2](#)

"URGING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO "BUY LOCAL" AND TO IMPLEMENT AND DEVELOP FOOD WARE AND FOOD WASTE RECYCLING PROGRAMS TO ENCOURAGE SUSTAINABILITY." (AMENDED TITLE)
(Recommends Adoption)

[3288](#)
(48 Hrs. Notice)

(CPH)

[H.B. No. 2559, H.D. 2, S.D. 1](#)

"RELATING TO THE UNIFORM UNCLAIMED PROPERTY ACT."
(Recommends passage on SECOND READING and placement on the calendar for Third Reading)

[3289](#)
(48 Hrs. Notice)

(CPH)

[H.B. No. 2920, S.D. 1](#)

"RELATING TO FRAUD PREVENTION."
(Recommends passage on SECOND READING and placement on the calendar for Third Reading)

[3290](#)
(One Day Notice)

(CPH)

[H.B. No. 2165](#)

"RELATING TO NURSING."
(Recommends passage on THIRD READING)

[3291](#)
(One Day Notice)

(CPH)

[H.B. No. 2301, H.D. 1, S.D. 1](#)

"RELATING TO DENTISTRY."
(Recommends passage on THIRD READING)

[3292](#)
(One Day Notice)

(WTL)

[H.B. No. 2523](#)

"RELATING TO THE LAND USE COMMISSION."
(Recommends passage on THIRD READING)

3293 (One Day Notice)	(EDT)	H.B. No. 3343, H.D. 1 "RELATING TO FILIPINO-AMERICAN HISTORY MONTH." (Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)
3294 (48 Hrs. Notice)	(WTL)	H.B. No. 3175, H.D. 1, S.D. 1 "RELATING TO COMMERCIAL MARINE FISHING REPORTS." (Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)
3295 (48 Hrs. Notice)	(JDL)	H.B. No. 2697, H.D. 1, S.D. 1 "RELATING TO THE INTERMEDIATE APPELLATE COURT." (Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)
3296 (48 Hrs. Notice)	(AHW)	H.B. No. 2085, H.D. 1, S.D. 1 "RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION." (Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)
3297 (48 Hrs. Notice)	(AHW/ENE)	H.B. No. 2517, H.D. 1, S.D. 1 "RELATING TO INVASIVE SPECIES." (Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)
3298 (48 Hrs. Notice)	(CPH)	H.B. No. 2550, H.D. 2, S.D. 2 "RELATING TO PUBLIC UTILITIES." (Recommends passage on <u>THIRD READING</u>)

3299 (48 Hrs. Notice)	(WAM)	H.B. No. 509, H.D. 2, S.D. 2 "RELATING TO TRANSPORTATION." (Recommends passage on <u>THIRD</u> <u>READING</u>)
3300 (48 Hrs. Notice)	(WAM)	H.B. No. 2062, H.D. 1, S.D. 2 "RELATING TO LONG-TERM CARE." (Recommends passage on <u>THIRD</u> <u>READING</u>)
3301 (48 Hrs. Notice)	(WAM)	H.B. No. 2770, H.D. 1, S.D. 2 "RELATING TO BRIDGE TO HOPE PROGRAM." (Recommends passage on <u>THIRD</u> <u>READING</u>)

ORDER OF THE DAY

7. Deferred Matters – House Communications for Agree/Disagree

HSE. COM. NO.

402	S.B. No. 1035, S.D. 1, H.D. 1 "RELATING TO MAKAHIKI DAY COMMEMORATION."(Makahiki; Commemoration)	AGREE/DISAGREE
403	S.B. No. 2441, H.D. 1 "RELATING TO HIGHWAYS."(State Highways; County Subdivision Ordinances; Exemption)	AGREE/DISAGREE

404	S.B. No. 2849, S.D. 1, H.D. 1 "RELATING TO AGRICULTURAL LANDS."(Agricultural-energy Facilities; Agricultural Districts)	AGREE/DISAGREE
415	S.B. No. 2159, H.D. "RELATING TO PROFESSIONS."(Regulation of Licensed mental health counselors; Sunset; Repealed; Reimbursable Practitioners)	AGREE/DISAGREE
416	S.B. No. 2434, H.D. "RELATING TO THE STADIUM AUTHORITY."(Stadium Authority; Composition)	AGREE/DISAGREE
417	S.B. No. 2464, H.D. "RELATING TO THE STATE MAMMAL."(Hawaiian Monk Seal; State Mammal)	AGREE/DISAGREE
418	S.B. No. 2584, S.D. 1, H.D. 2 "RELATING TO HONEY."(Honey; Commodity)	AGREE/DISAGREE
419	S.B. No. 3166, H.D. "RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY."(HCDA; Kakaako Small Business Representatives)	AGREE/DISAGREE

8. Advise and Consent

[3272](#)
[Testimony Status](#)

CPH

[G.M. No. 325](#)
"Submitting for consideration and
confirmation to the Board of Speech
Pathology and Audiology, Gubernatorial
Nominee, BARRY F. LUTERMAN PHD, for
a term to expire 6-30-2011."

3273	EDT	G.M. No. 328 "Submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, Gubernatorial Nominee, KENNETH HAYS, for a term to expire 6-30-2012."
Testimony Status		
3273	EDT	G.M. No. 461 "Submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, Gubernatorial Nominee, WILLIAM RYAN CHAPMAN, for a term to expire 6-30-2012."
Testimony Status		
3273	EDT	G.M. No. 462 "Submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, Gubernatorial Nominee, LAURA C. SCHUSTER, for a term to expire 6-30-2012."
Testimony Status		

9. Adopt Resolutions

3274	PBS	S.C.R. No. 101 "REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO IDENTIFY, DURING THE 2009 REGULAR SESSION, TWO POSSIBLE LOCATIONS TO USE AS A HEADQUARTERS SITE FOR THE SHERIFF DIVISION."
Testimony Prior Versions Status		

[3275](#)

PBS

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

[S.R. No. 56](#)

"REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO IDENTIFY, DURING THE 2009 REGULAR SESSION, TWO POSSIBLE LOCATIONS TO USE AS A HEADQUARTERS SITE FOR THE SHERIFF DIVISION."

10. Third Reading

[\(See Stand. Com. Rep. No. 3266\)](#)

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

[H.B. No. 2460, S.D. 1](#)

"RELATING TO CONDOMINIUMS." -
(CPH)

(Condominiums)

[\(See Stand. Com. Rep. No. 3267\)](#)

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

[H.B. No. 2591, H.D. 1, S.D. 1](#)

"RELATING TO GIFT CERTIFICATES." -
(CPH)

(Gift Cards; Gift Certificates)

[\(See Stand. Com. Rep. No. 3268\)](#)

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

[H.B. No. 3109, S.D. 1](#)

"RELATING TO DISPENSING OPTICIANS." - (CPH)

(Dispensing Opticians; Licensure; Non-corrective Contact Lenses)

[\(See Stand. Com. Rep. No. 3269\)](#)

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

[H.B. No. 2917, H.D. 2, S.D. 1](#)

"RELATING TO HARBORS." - (TIA/WTL)

(Harbors; Mooring)

[Stand. Com. Rep. No. 3276](#)

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

[H.B. No. 2727, H.D. 2, S.D. 1](#)

"RELATING TO HEALTH INSURANCE." -
(CPH)

(Task Force; Health Coverage; Autism
Spectrum Disorders)

[Stand. Com. Rep. No. 3277](#)

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

[H.B. No. 2887, H.D. 2, S.D. 1](#)

"RELATING TO TATTOOING." - (CPH)

(Traditional Hawaiian Tattooing)

[Stand. Com. Rep. No. 3278](#)

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

[H.B. No. 3106](#)

"RELATING TO GRADUATES OF
FOREIGN ACUPUNCTURE PROGRAMS."
- (CPH)

(Acupuncturists; examination and licensure)

[\(See Stand. Com. Rep. No. 3279\)](#)

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

[H.B. No. 2467, H.D. 2](#)

"RELATING TO FIRE PROTECTION." -
(IGM/TIA)

(Fire Protection)

11. Miscellaneous Communications: None

12. Miscellaneous Business – Final Reading

[S.B. No. 1805, S.D. 1](#)

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

HTH, CPH

"RELATING TO GENETIC
COUNSELORS."

(Genetic Counselors; Licensure)

13. Announcements

- Floor Presentation for Thursday, April 3, 2008:

HONORING AND COMMENDING JEANINE WONG ON BEING NAMED THE 2008 HAWAII YOUNG MOTHER OF THE YEAR. (Senator Gabbard)

COMMENDING AND CONGRATULATING MARGARET MARIE “NIP” HO ON BEING NAMED THE 2008 HAWAI’I STATE MOTHER OF THE YEAR. (Senator Gabbard)

RECOGNIZING MAUI ECONOMIC OPPORTUNITY, INC. IN HONOR OF NATIONAL COMMUNITY ACTION MONTH. (Senator Tsutsui)

CONGRATULATING BAMBOO RIDGE PRESS ON ITS 30TH ANNIVERSARY. (Senator Sakamoto)

RECOGNIZING AND HONORING VARIOUS FILIPINO ORGANIZATIONS. (Senator Menor)

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
HTH	4/2/2008 1:15 PM	016
AHW/EDT	4/2/2008 1:30 PM	225
EDU/AHW/EDT/WTL	4/2/2008 1:30 PM	225
AHW/TSG	4/2/2008 1:45 PM	225
PBS/AHW	4/2/2008 1:45 PM	225
JDL	4/3/2008 10:00 AM	016
JDL	4/3/2008 10:15 AM	016
AHW/ENE	4/3/2008 1:15 PM	414
EDT	4/3/2008 1:15 PM	224
EDU	4/3/2008 1:15 PM	016
HSP/CPH	4/3/2008 1:15 PM	016
HSP/HTH	4/3/2008 1:15 PM	016
TSG	4/3/2008 1:15 PM	229
AHW	4/3/2008 2:45 PM	224
ENE	4/3/2008 2:45 PM	414
ENE/CPH	4/3/2008 2:45 PM	414
ENE/WTL	4/3/2008 2:45 PM	414
PBS	4/3/2008 2:45 PM	225
PBS/JDL	4/3/2008 2:45 PM	225
CPH	4/4/2008 9:30 AM	229
WAM	4/4/2008 10:00 AM	211

WAM	4/4/2008 10:05 AM	211
HTH/HSP	4/4/2008 1:15 PM	016
PBS-PSM	4/5/2008 9:00 AM	225
HSP	4/8/2008 1:15 PM	016
TSG	4/8/2008 1:15 PM	229
EDT	4/9/2008 1:00 PM	016
EDT	4/10/2008 1:15 PM	224
ENE/EDT	4/10/2008 2:45 PM	414
ENE/TSG	4/10/2008 2:45 PM	414

- Senate Session will convene at 11:30 a.m. on Thursday, April 3, 2008.

14. Adjournment