

THE SENATE  
OF THE  
TWENTY-FIFTH LEGISLATURE  
STATE OF HAWAII  
REGULAR SESSION OF 2009

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THIRTY-SIXTH DAY

MARCH 25, 2009-WEDNESDAY-11:30 O'CLOCK A.M.

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ORDER OF BUSINESS

Invocation by The Honorable Josh Green, M.D.  
Hawaii State Senate

Roll Call

Approval of the Journal

Introductions

- Floor Presentation:

COMMENDING AND CONGRATULATING THE 2009 NCLB BLUE RIBBON  
SCHOOLS. (Senator Sakamoto)

1. Messages from the Governor: Nos. 536-537

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<a href="#">G.M. No. 536</a>	Dated March 24, 2009, transmitting a Report on the Implementation of Medicaid Home and Community-Based Services, prepared by the Department of Health pursuant to Act 213, Section 38, SLH 2007.	FILE
<a href="#">G.M. No. 537</a>	Dated March 24, 2009, transmitting the Hawaii Health Care Workforce Assessment, prepared by the University of Hawaii pursuant to Act 219, SLH 2007.	FILE

2. Departmental Communications: None
3. House Communication No. 350

Informing the Senate that on March 24, 2009, the following House Concurrent Resolution was adopted in the House:

REFERRAL

350            [H.C.R. No. 89](#)  
"REQUESTING THAT THE HOOKAKOO CORPORATION REPORT ON THE PROGRESS AND IMPACTS OF THE MODELS FOR EXPANDED LEARNING TIME BEING PILOTED BY THE HOOKAKOO CORPORATION'S PARTNER CONVERSION CHARTER SCHOOLS."(Expanded Learning Time Models; Hookakoo Corporation)

4. Senate Communications: None
5. Judiciary Communications: None
6. Standing Committee Report Nos. 914-976

<a href="#">914</a>	(CPN)	<a href="#">H.B. No. 1031, S.D. 1</a> "RELATING TO CHAPTER 480, HAWAII REVISED STATUTES." (Recommends passage on <u>SECOND READING</u> and referral to JGO)
<a href="#">915</a>	(CPN)	<a href="#">H.B. No. 812, H.D. 2, S.D. 1</a> "RELATING TO DOMESTIC VIOLENCE." (Recommends passage on <u>SECOND READING</u> and referral to JGO)

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| <a href="#">916</a> | (CPN) | <a href="#">H.B. No. 618, S.D. 1</a><br>"RELATING TO THE UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT."<br>(Recommends passage on <u>SECOND READING</u> and referral to JGO) |
| <a href="#">917</a> | (TIA) | <a href="#">H.B. No. 267, H.D. 2, S.D. 1</a><br>"RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY."<br>(Recommends passage on <u>SECOND READING</u> and referral to CPN)                 |
| <a href="#">918</a> | (TIA) | <a href="#">H.B. No. 1168, H.D. 2</a><br>"RELATING TO AIRPORTS."<br>(Recommends passage on <u>SECOND READING</u> and referral to JGO)   |
| <a href="#">919</a> | (TIA) | <a href="#">H.B. No. 869, H.D. 1</a><br>"RELATING TO RENTAL MOTOR VEHICLES."<br>(Recommends passage on <u>SECOND READING</u> and referral to JGO)                                     |
| <a href="#">920</a> | (TIA) | <a href="#">H.B. No. 1163, H.D. 2</a><br>"RELATING TO HARBORS."<br>(Recommends passage on <u>SECOND READING</u> and referral to JGO)  |
| <a href="#">921</a> | (TIA) | <a href="#">H.B. No. 1422, H.D. 1</a><br>"RELATING TO ABANDONED VEHICLES."<br>(Recommends passage on <u>SECOND READING</u> and referral to JGO)                                       |

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| <a href="#"><u>922</u></a> | (TIA)     | <a href="#"><u>H.B. No. 623, H.D. 1, S.D. 1</u></a><br>"RELATING TO STATE IDENTIFICATION."<br>(Recommends passage on <u>SECOND READING</u> and referral to JGO)  |
| <a href="#"><u>923</u></a> | (TIA)     | <a href="#"><u>H.B. No. 1040, H.D. 1, S.D. 1</u></a><br>"RELATING TO TORT LIABILITY."<br>(Recommends passage on <u>SECOND READING</u> and referral to JGO)   |
| <a href="#"><u>924</u></a> | (TIA)     | <a href="#"><u>H.B. No. 214, H.D. 1, S.D. 1</u></a><br>"AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR WAILUA EMERGENCY BYPASS ROAD REPAIR AND RESURFACING, AND WAIMEA WASTEWATER TREATMENT PLANT UPGRADES FOR THE COUNTY OF KAUA'I."<br>(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| <a href="#"><u>925</u></a> | (TIA)     | <a href="#"><u>H.B. No. 1166, H.D. 1, S.D. 1</u></a><br>"RELATING TO THE PASSENGER FACILITY CHARGE SPECIAL FUND."<br>(Recommends passage on <u>SECOND READING</u> and referral to WAM)   |
| <a href="#"><u>926</u></a> | (TIA/EDH) | <a href="#"><u>H.B. No. 863, H.D. 1, S.D. 1</u></a><br>"RELATING TO ESTABLISHING A COUNTY TRANSIT ORIENTED DEVELOPMENT INFRASTRUCTURE REVOLVING FUND."<br>(Recommends passage on <u>SECOND READING</u> and referral to WAM)  |

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| <a href="#"><u>927</u></a> | (CPN) | <a href="#"><u>H.B. No. 1071, H.D. 3, S.D. 1</u></a><br>"RELATING TO MORTGAGE<br>SERVICERS."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and referral to WAM)                   |
| <a href="#"><u>928</u></a> | (CPN) | <a href="#"><u>H.B. No. 1074, H.D. 2, S.D. 1</u></a><br>"RELATING TO INSURANCE."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and referral to WAM)                               |
| <a href="#"><u>929</u></a> | (EDT) | <a href="#"><u>H.B. No. 610, H.D. 2, S.D. 1</u></a><br>"RELATING TO SCIENCE AND<br>TECHNOLOGY."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and referral to WAM)                |
| <a href="#"><u>930</u></a> | (EDH) | <a href="#"><u>H.B. No. 1221, H.D. 1, S.D. 1</u></a><br>"RELATING TO AFFORDABLE HOUSING<br>PROJECTS."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and referral to WAM)          |
| <a href="#"><u>931</u></a> | (EDH) | <a href="#"><u>H.B. No. 1376, H.D. 1, S.D. 1</u></a><br>"RELATING TO EDUCATION."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and referral to WAM)                               |
| <a href="#"><u>932</u></a> | (EDH) | <a href="#"><u>H.B. No. 1692, H.D. 2, S.D. 1</u></a><br>"RELATING TO HOUSING."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and referral to WAM)                                 |
| <a href="#"><u>933</u></a> | (EDT) | <a href="#"><u>H.B. No. 1207, H.D. 1, S.D. 1</u></a><br>"RELATING TO COMMUNITY-BASED<br>ECONOMIC DEVELOPMENT."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and referral to WAM) |

- [934](#) (WTL) [H.B. No. 1471, H.D. 2](#)  
"RELATING TO FARMS."  
(Recommends passage on SECOND  
READING and referral to WAM)
- [935](#) (WTL) [H.B. No. 1665, H.D. 1, S.D. 1](#)  
"RELATING TO HAWAIIAN  
FISHPONDS."  
(Recommends passage on SECOND  
READING and referral to WAM)
- [936](#) (WTL) [H.B. No. 899, H.D. 1, S.D. 1](#)  
"RELATING TO THE OFFICE OF  
HAWAIIAN AFFAIRS."  
(Recommends passage on SECOND  
READING and referral to WAM)
- [937](#) (CPN) [H.B. No. 1316, H.D. 2](#)  
"RELATING TO TORTS."  
(Recommends passage on SECOND  
READING and referral to JGO)
- [938](#) (CPN) [H.B. No. 1415, H.D. 1, S.D. 1](#)  
"RELATING TO SERVICE OF PROCESS."  
(Recommends passage on SECOND  
READING and referral to JGO)
- [939](#) (CPN) [H.B. No. 1417, H.D. 2, S.D. 1](#)  
"RELATING TO MOBILE BILLBOARDS."  
(Recommends passage on SECOND  
READING and referral to JGO)
- [940](#) (EDT/CPN) [H.B. No. 988, H.D. 2, S.D. 1](#)  
"RELATING TO PROCUREMENT."  
(Recommends passage on SECOND  
READING and referral to JGO)

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| <a href="#">941</a> | (WTL/ENE) | <a href="#">H.B. No. 591, H.D. 1, S.D. 1</a><br>"RELATING TO PUBLIC UTILITIES."<br>(Recommends passage on SECOND<br>READING and referral to CPN)  |
| <a href="#">942</a> | (EDH)     | <a href="#">H.B. No. 363, H.D. 2, S.D. 1</a><br>"RELATING TO AFFORDABLE<br>HOUSING."<br>(Recommends passage on SECOND<br>READING and referral to TIA)   |
| <a href="#">943</a> | (EDH)     | <a href="#">H.B. No. 1436, H.D. 1, S.D. 1</a><br>"RELATING TO AGRICULTURE."<br>(Recommends passage on SECOND<br>READING and referral to WTL)  |
| <a href="#">944</a> | (ENE)     | <a href="#">H.B. No. 427, H.D. 1</a><br>"RELATING TO SPECIAL PURPOSE<br>REVENUE BONDS TO ASSIST ONE<br>PLANET PACIFIC ENERGY, LLC, A<br>PROCESSING ENTERPRISE."<br>(Recommends passage on SECOND<br>READING and referral to WAM)    |
| <a href="#">945</a> | (ENE)     | <a href="#">H.B. No. 426, H.D. 1</a><br>"RELATING TO THE ISSUANCE OF<br>SPECIAL PURPOSE REVENUE BONDS<br>TO ASSIST SEAWATER AIR<br>CONDITIONING PROJECTS ON OAHU."<br>(Recommends passage on SECOND<br>READING and referral to WAM) |
| <a href="#">946</a> | (ENE)     | <a href="#">H.B. No. 370, H.D. 2, S.D. 1</a><br>"RELATING TO TAXATION."<br>(Recommends passage on SECOND<br>READING and referral to WAM)  |

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| <a href="#">947</a> | (ENE)     | <a href="#">H.B. No. 371, H.D. 2, S.D. 1</a><br>"RELATING TO TAXATION."<br>(Recommends passage on SECOND<br>READING and referral to WAM)   |
| <a href="#">948</a> | (ENE/EDT) | <a href="#">H.B. No. 279, H.D. 2, S.D. 1</a><br>"RELATING TO ENERGY."<br>(Recommends passage on SECOND<br>READING and referral to WAM)   |
| <a href="#">949</a> | (ENE)     | <a href="#">H.B. No. 1491, H.D. 2, S.D. 1</a><br>"RELATING TO ETHANOL FACILITY<br>TAX CREDIT."<br>(Recommends passage on SECOND<br>READING and referral to WAM)  |
| <a href="#">950</a> | (ENE)     | <a href="#">H.B. No. 1627, H.D. 2, S.D. 1</a><br>"RELATING TO THE ISSUANCE OF<br>SPECIAL PURPOSE REVENUE BONDS."<br>(Recommends passage on SECOND<br>READING and referral to WAM)                                    |
| <a href="#">951</a> | (ENE)     | <a href="#">H.B. No. 1628, H.D. 1, S.D. 1</a><br>"RELATING TO THE ISSUANCE OF<br>SPECIAL PURPOSE REVENUE BONDS<br>TO ASSIST BIOENERGY HAWAII, LLC."<br>(Recommends passage on SECOND<br>READING and referral to WAM) |
| <a href="#">952</a> | (ENE)     | <a href="#">H.B. No. 1678, H.D. 1, S.D. 1</a><br>"RELATING TO THE ISSUANCE OF<br>SPECIAL PURPOSE REVENUE BONDS."<br>(Recommends passage on SECOND<br>READING and referral to WAM)                                    |



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| <a href="#">953</a> | (ENE)     | <a href="#">H.B. No. 1273, H.D. 1, S.D. 1</a><br>"RELATING TO ENERGY."<br>(Recommends passage on SECOND<br>READING and referral to CPN)                                   |
| <a href="#">954</a> | (ENE)     | <a href="#">H.B. No. 1270, H.D. 1, S.D. 1</a><br>"RELATING TO RENEWABLE ENERGY."<br>(Recommends passage on SECOND<br>READING and referral to CPN)                         |
| <a href="#">955</a> | (CPN)     | <a href="#">H.B. No. 262, H.D. 2, S.D. 1</a><br>"RELATING TO INSURANCE FRAUD."<br>(Recommends passage on SECOND<br>READING and referral to JGO)                           |
| <a href="#">956</a> | (ENE/TIA) | <a href="#">H.B. No. 590, H.D. 1, S.D. 1</a><br>"RELATING TO RENEWABLE ENERGY<br>FACILITIES."<br>(Recommends passage on SECOND<br>READING and referral to JGO)            |
| <a href="#">957</a> | (ENE/TIA) | <a href="#">H.B. No. 589, H.D. 1, S.D. 1</a><br>"RELATING TO RENEWABLE ENERGY<br>FACILITIES."<br>(Recommends passage on SECOND<br>READING and referral to WTL)            |
| <a href="#">958</a> | (CPN/TIA) | <a href="#">H.B. No. 269, H.D. 1, S.D. 1</a><br>"RELATING TO REAL PROPERTY."<br>(Recommends passage on SECOND<br>READING and referral to WAM)                             |
| <a href="#">959</a> | (ENE/TIA) | <a href="#">H.B. No. 574, H.D. 2, S.D. 1</a><br>"RELATING TO THE DEPOSIT<br>BEVERAGE CONTAINER PROGRAM."<br>(Recommends passage on SECOND<br>READING and referral to WAM) |

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| <a href="#"><u>960</u></a> | (CPN) | <a href="#"><u>H.B. No. 1059, H.D. 2, S.D. 1</u></a><br>"RELATING TO THE ONE CALL CENTER."<br>(Recommends passage on SECOND READING and referral to WAM)       |
| <a href="#"><u>961</u></a> | (HTH) | <a href="#"><u>H.B. No. 896, H.D. 1</u></a><br>"RELATING TO TOBACCO."<br>(Recommends passage on SECOND READING and referral to WAM)                            |
| <a href="#"><u>962</u></a> | (HTH) | <a href="#"><u>H.B. No. 1537, H.D. 1</u></a><br>"RELATING TO AUTOMATED EXTERNAL DEFIBRILLATORS."<br>(Recommends passage on SECOND READING and referral to JGO) |
| <a href="#"><u>963</u></a> | (EDT) | <a href="#"><u>H.B. No. 615, H.D. 1, S.D. 1</u></a><br>"RELATING TO HARASSMENT."<br>(Recommends passage on SECOND READING and referral to JGO)                 |
| <a href="#"><u>964</u></a> | (HTH) | <a href="#"><u>H.B. No. 808, S.D. 1</u></a><br>"RELATING TO HEALTH."<br>(Recommends passage on SECOND READING and referral to CPN)                             |
| <a href="#"><u>965</u></a> | (HTH) | <a href="#"><u>H.B. No. 811, H.D. 2, S.D. 1</u></a><br>"RELATING TO REGISTERED NURSES."<br>(Recommends passage on SECOND READING and referral to CPN)          |
| <a href="#"><u>966</u></a> | (HTH) | <a href="#"><u>H.B. No. 814, H.D. 2, S.D. 1</u></a><br>"RELATING TO NURSE AIDES."<br>(Recommends passage on SECOND READING and referral to CPN)                |

<a href="#">967</a>	(HTH/HRE)	<a href="#">H.B. No. 343, H.D. 1, S.D. 1</a> "RELATING TO RURAL PRIMARY HEALTH CARE TRAINING." (Recommends passage on SECOND READING and referral to WAM)
<a href="#">968</a>	(HTH/HRE)	<a href="#">H.B. No. 991, H.D. 2, S.D. 1</a> "RELATING TO THE UNIVERSITY OF HAWAII." (Recommends passage on SECOND READING and referral to WAM)
<a href="#">969</a>	(HTH/PSM)	<a href="#">H.B. No. 317, H.D. 1, S.D. 1</a> "RELATING TO MOBILE MEDICAL CARE." (Recommends passage on SECOND READING and referral to WAM)
<a href="#">970</a>	(LBR)	<a href="#">H.B. No. 1676, H.D. 1, S.D. 1</a> "RELATING TO PUBLIC WORKS." (Recommends passage on SECOND READING and referral to WAM)
<a href="#">971</a>	(LBR)	<a href="#">H.B. No. 1479, H.D. 2, S.D. 1</a> "RELATING TO LABOR." (Recommends passage on SECOND READING and referral to JGO)
<a href="#">972</a> (One Day Notice)	(LBR)	<a href="#">H.B. No. 442</a> "RELATING TO THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD." (Recommends passage on SECOND READING and placement on the calendar for Third Reading)

[973](#)  
(48 Hrs. Notice)

(LBR)

[H.B. No. 319, H.D. 1, S.D. 1](#)

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

[974](#)

(EDH)

[S.C.R. No. 39, S.D. 1](#)

"URGING THE GOVERNOR TO INCLUDE  
THE KUKUI GARDENS AFFORDABLE  
HOUSING PROJECT IN THE STATE'S  
LIST OF SHOVEL-READY PROJECTS  
FOR THE PRESIDENT'S PROPOSED  
ECONOMIC STIMULUS PLAN."  
(Recommends referral to WAM)

[975](#)  
(One Day Notice)

(WTL)

[S.C.R. No. 66, S.D. 1](#)

"REQUESTING THAT THE UNITED  
STATES POSTAL SERVICE ISSUE A  
COMMEMORATIVE STAMP HONORING  
PRINCE JONAH KUHIO  
KALANIANAOLE."  
(Recommends Adoption)

[976](#)  
(One Day Notice)

(WTL)

[S.R. No. 40, S.D. 1](#)

"REQUESTING THAT THE UNITED  
STATES POSTAL SERVICE ISSUE A  
COMMEMORATIVE STAMP HONORING  
PRINCE JONAH KUHIO  
KALANIANAOLE."  
(Recommends Adoption)

ORDER OF THE DAY

7. Third Reading

[\(See Stand. Com. Rep. No. 907\)](#)

[H.B. No. 520, H.D. 1, S.D. 1](#)

"RELATING TO BUILDINGS." - (EDT)

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

(Historic Building Photograph Requirement;  
Repeal Act 228)

8. Miscellaneous Communications: None

9. Miscellaneous Business

[H.B. No. 444, H.D. 1](#)

"RELATING TO CIVIL UNIONS."

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

(Civil Unions)

10. Announcements

- Floor Presentation for Friday, March 27, 2009:

COMMENDING AND CONGRATULATING OUTSTANDING EDUCATORS.  
(Senator Sakamoto)

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE &amp; TIME</u>	<u>ROOM</u>
EDT	3/25/2009 1:15 PM	016
HMS/PSM	3/25/2009 1:15 PM	224
PSM/HMS	3/25/2009 1:15 PM	224
PSM/TIA	3/25/2009 1:15 PM	224
WTL	3/25/2009 2:45 PM	229
WAM	3/27/2009 9:15 AM	211
WAM	3/27/2009 9:30 AM	211
AGR	3/27/2009 10:00 AM	312

CPN	3/27/2009 10:00 AM	229
EDH	3/27/2009 1:15 PM	225
EDH/TIA	3/30/2009 1:15 PM	225
EDT	3/30/2009 1:15 PM	016
HMS/TIA	3/30/2009 1:20 PM	224
EDH/WTL	3/30/2009 1:25 PM	225
ENE/TIA	3/30/2009 1:30 PM	224
HRE/WTL/EDH	3/30/2009 1:40 PM	225
EDH/HRE	3/30/2009 1:45 PM	225
HRE/EDH	3/30/2009 1:45 PM	225
TIA	3/30/2009 1:45 PM	224
HTH/EDH	3/30/2009 2:45 PM	016
TSM	3/31/2009 2:45 PM	229
CPN	4/1/2009 9:00 AM	229
LBR	4/2/2009 2:45 PM	224
EDH	4/6/2009 1:15 PM	225

- Senate Session will convene at 11:30 a.m. on Friday, March 27, 2009.

## 11. Adjournment