

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

FORTIETH DAY

APRIL 2, 2009-THURSDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by Raeceen Woolford
Office of Senator David Y. Ige

Roll Call

Approval of the Journal

Introductions

- Floor Presentations:

RECOGNIZING AND CONGRATULATING MISS TEEN HAWAII 2009; MISS JR. TEEN HAWAII 2009; MISS HAWAII JR. TEEN UNITED STATES 2008; AND MISS HAWAII TEEN UNITED STATES 2008. (Senator Espero)

RECOGNIZING AND CONGRATULATING MRS. HAWAII 2008. (Senator Espero)

COMMENDING AND CONGRATULATING THE MILILANI MOCK TRIAL TEAM, WINNER OF THE 2008-2009 YOUNG LAWYERS DIVISION HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP. (Senator Kidani)

1. Messages from the Governor: Nos. 540-560

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 540	Dated March 6, 2009, transmitting a report prepared by the Department of Hawaiian Home Lands pursuant to Act 158, Section 63.1, SLH 2008, on the sum expended to construct a monument on Molokai to honor Hansen's disease patients sent to Kalaupapa.	FILE
G.M. No. 541	Letter dated March 25, 2009, transmitting proposed changes to the Appropriations Act (S.B. No. 200) for the Department of Accounting and General Services, the Department of the Attorney General, the Office of the Governor, the Department of Human Services, the Department of Labor and Industrial Relations, the Department of Land and Natural Resources, the Department of Taxation and the Department of Transportation.	FILE
G.M. No. 542	Letter dated March 30, 2009, transmitting a proposed bill draft for immediate passage to amend the Executive Budget.	FILE
G.M. No. 543	Letter dated March 30, 2009, transmitting proposed changes to the FB 2009-11 Executive Budget (H.B. No. 200).	FILE
G.M. No. 544	Dated March 18, 2009, transmitting a Report on Agencies that Delegate the Audit Responsibility and Transfer Funds, prepared by the Department of Accounting and General Services pursuant to Act 213, Section 174, SLH 2007.	FILE
G.M. No. 545	Informing the Senate that on April 1, 2009, the Governor signed the following bill into law: SB412 (Act 002) "RELATING TO THE ENVIRONMENT."	FILE

G.M. No. 546	Submitting for consideration and confirmation to the State Board of Chiropractic Examiners, Gubernatorial Nominee, RICHARD L. WILCOX, for a term to expire 6-30-2010.	CPN
G.M. No. 547	Submitting for consideration and confirmation to the Contractors License Board, Gubernatorial Nominee, HAROLD MARTIN, for a term to expire 6-30-2013.	CPN
G.M. No. 548	Submitting for consideration and confirmation to the Board of Dental Examiners, Gubernatorial Nominee, WAYNE S. ATEBARA, for a term to expire 6-30-2012.	CPN
G.M. No. 549	Submitting for consideration and confirmation to the Board of Dental Examiners, Gubernatorial Nominee, ROBERT G. SHERMAN, for a term to expire 6-30-2013.	CPN
G.M. No. 550	Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Hurricane Relief Fund, Gubernatorial Nominee, MICHAEL P. HAMNETT, for a term to expire 6-30-2013.	CPN
G.M. No. 551	Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Strategic Development Corporation, Gubernatorial Nominee, DANTON S. WONG, for a term to expire 6-30-2013.	EDT
G.M. No. 552	Submitting for consideration and confirmation to the Commission on Fatherhood, Gubernatorial Nominee, CLAUD ROBERT SUTCLIFFE, for a term to expire 6-30-2011.	HMS
G.M. No. 553	Submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, Gubernatorial Nominee, FERREIRA V. CASIMIRA, for a term to expire 6-30-2012.	HRE

<u>G.M. No. 554</u>	Submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, Gubernatorial Nominee, MARIAN A. CRISLIP, for a term to expire 6-30-2012.	HRE
<u>G.M. No. 555</u>	Submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, Gubernatorial Nominee, SALLY A. HARPER, for a term to expire 6-30-2012.	HRE
<u>G.M. No. 556</u>	Submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, Gubernatorial Nominee, ALBERT D. KIM, for a term to expire 6-30-2012.	HRE
<u>G.M. No. 557</u>	Submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, Gubernatorial Nominee, NADINE N. NISHIOKA, for a term to expire 6-30-2012.	HRE
<u>G.M. No. 558</u>	Submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, Gubernatorial Nominee, CHRISTOPHER J. WONG, for a term to expire 6-30-2012.	HRE
<u>G.M. No. 559</u>	Submitting for consideration and confirmation to the Crime Victim Compensation Commission, Gubernatorial Nominee, L. DEW KANESHIRO, for a term to expire 6-30-2013.	PSM
<u>G.M. No. 560</u>	Submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, Gubernatorial Nominee, COLETTE Y. P. MACHADO, for a term to expire 6-30-2013.	WTL

2. Departmental Communication No. 68

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
D.C. No. 68	From the State Auditor, dated March 31, 2009, transmitting a report, "Audit of the State of Hawaii's Information Technology: Who's in Charge?" (Report No. 09-06).	FILE

3. House Communication No. 356

	Informing the Senate that on March 31, 2009, the following House Concurrent Resolution was adopted in the House:	<u>REFERRAL</u>
356	H.C.R. No. 144 "URGING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION DETERRING THE TRANSPORTATION OF HOMELESS PERSONS TO HAWAII."(Homelessness; Purging; Hawaii's Congressional Delegation)	

4. Senate Communications: None

5. Judiciary Communications: None

6. Standing Committee Report Nos. 1089-1123

1089 (48 Hrs. Notice)	(CPN)	H.B. No. 1075, S.D. 1 "RELATING TO INSURANCE." (Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)
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[1090](#)
(48 Hrs. Notice)

(CPN/TIA)

[H.B. No. 1061, H.D. 1, S.D. 1](#)
"RELATING TO PUBLIC UTILITIES."
(Recommends passage on SECOND
READING and placement on the calendar for
Third Reading)

[1091](#)
(48 Hrs. Notice)

(PSM)

[H.B. No. 632, H.D. 1, S.D. 1](#)
"RELATING TO POLICY ADVISORY
BOARD ON VETERANS' SERVICES."
(Recommends passage on SECOND
READING and placement on the calendar for
Third Reading)

[1092](#)
(One Day Notice)

(TSM)

[G.M. No. 477](#)
"Submitting for consideration and
confirmation to the Board of Directors of the
Hawai'i Tourism Authority, Gubernatorial
Nominee, RONALD K. WILLIAMS, for a
term to expire 6-30-2010."

(Recommends Senate Consent to
Nomination)

[1093](#)
(One Day Notice)

(WTL)

[G.M. No. 420](#)
"Submitting for consideration and
confirmation to the Board of Directors of the
Aloha Tower Development Corporation,
Gubernatorial Nominee, JASON T.
OKUHAMA, for a term to expire 6-30-2013."

(Recommends Senate Consent to
Nomination)

[1094](#)
(One Day Notice)

(WTL)

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

"Submitting for consideration and confirmation to the Molokai Irrigation System Water Users Advisory Board, Gubernatorial Nominee, STEVEN L. ARCE, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1095](#)

(EDH)

[S.C.R. No. 84](#)

"REQUESTING THE STATE AUDITOR TO CONDUCT AN IMMEDIATE FINANCIAL STATEMENT AUDIT OF THE WATERS OF LIFE PUBLIC CHARTER SCHOOL FOR FISCAL YEAR 2006-2007 AND FISCAL YEAR 2007-2008."

(Recommends referral to WAM)

[1096](#)

(EDH)

[S.C.R. No. 34, S.D. 1](#)

"REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY TO EXAMINE THE FISCAL, CURRICULUM, AND OTHER IMPACTS OF A FOUR-DAY SCHOOL WEEK FOR SCHOOL COMPLEXES."

(AMENDED TITLE)

(Recommends referral to WAM)

[1097](#)

(EDH)

[S.C.R. No. 31, S.D. 1](#)

"REQUESTING THE AUDITOR TO CONDUCT A REVIEW OF THE PERFORMANCE OF THE MANAGEMENT OF THE PUUWAI MOMI AND WEST OAHU ASSET MANAGEMENT PROJECTS (KNOWN AS AMP 30 AND AMP 44) TO COMPARE THE PERFORMANCE OF STATE OPERATED AND PRIVATELY OPERATED PUBLIC HOUSING PROPERTIES; AND TO DETERMINE THE RELATIVE CONTRIBUTIONS OF FUNDING LEVELS, MISMANAGEMENT, AND TENANT AND VISITOR ACTIONS TO THE FAILURE TO MEET STANDARDS." (AMENDED TITLE)
(Recommends referral to WAM)

[1098](#)

(HRE)

[S.C.R. No. 123, S.D. 1](#)

"REQUESTING THE AUDITOR TO CONDUCT A STUDY OF THE COMMUNITY COLLEGES OF THE UNIVERSITY OF HAWAII SYSTEM TO DETERMINE IF IT WOULD BE BENEFICIAL TO ESTABLISH A SEPARATE STATEWIDE SYSTEM FOR THE COMMUNITY COLLEGES."
(Recommends referral to WAM)

[1099](#)

(HMS/CPN)

[S.C.R. No. 17, S.D. 1](#)

"MANDATING COVERAGE OF EARLY INTERVENTION SERVICES FOR INFANTS AND CHILDREN FROM BIRTH TO AGE THREE."
(Recommends referral to WAM)

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| <u>1100</u> | (HMS/TIA) | <u>S.C.R. No. 13</u>
"ENCOURAGING STATE AND COUNTY ACTION TO STIMULATE INDIVIDUAL SAVINGS AND DEVELOPMENT OF CREDIT AND TO FORMULATE AN INVENTORY OF BANKING SERVICES AVAILABLE TO LOW-INCOME PERSONS AND THOSE WITH NO CREDIT HISTORY IN THE STATE."
(Recommends referral to CPN) |
| <u>1101</u>
(One Day Notice) | (EDH) | <u>S.C.R. No. 86</u>
"REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AN INVENTORY OF ALL TEXTBOOKS FOR ALL PUBLIC SCHOOLS."
(Recommends Adoption) |
| <u>1102</u>
(One Day Notice) | (EDH) | <u>S.C.R. No. 150, S.D. 1</u>
"URGING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH AND FACILITATE A SPECIAL EDUCATION PRIVATE SCHOOL TASK FORCE TO ADVISE THE DEPARTMENT OF EDUCATION ON POLICIES OR PROCEDURES FOR OVERSIGHT AND MONITORING OF PRIVATE SCHOOL OR FACILITY PLACEMENTS."
(Recommends Adoption) |
| <u>1103</u>
(One Day Notice) | (EDH) | <u>S.C.R. No. 149, S.D. 1</u>
"REQUESTS THE BOARD OF EDUCATION TO MODIFY PUBLIC HIGH SCHOOL GRADUATION REQUIREMENTS BY REQUIRING FIFTY HOURS OF COMMUNITY SERVICE FROM ALL STUDENTS AS PART OF THE DEPARTMENT OF EDUCATION'S CIVIC RESPONSIBILITY REQUIREMENT."
(Recommends Adoption) |

[1104](#)
(One Day Notice)

(EDH/HRE)

[S.C.R. No. 146](#)

"REQUESTING THE HAWAII P-20 PARTNERSHIPS FOR EDUCATION TO CONVENE THE APPROPRIATE AGENCIES TO EXAMINE CURRENT AND EMERGING PROGRAMS SEEKING TO TRACK STUDENT PROGRESS AND DEVELOP A LONGITUDINAL DATA SYSTEM FOR STUDENTS BEGINNING IN EARLY CHILDHOOD PROGRAMS TO GRADE TWELVE, AND BEYOND TO HIGHER EDUCATION AND THE WORKFORCE."

(Recommends Adoption)

[1105](#)
(One Day Notice)

(EDH/TIA)

[S.C.R. No. 88, S.D. 1](#)

"URGING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO ESTABLISH A TRANSIT ORIENTED DEVELOPMENT TASK FORCE TO FACILITATE MIXED-INCOME AND AFFORDABLE HOUSING IN TRANSIT ORIENTED DEVELOPMENTS BY BETTER COORDINATING TRANSPORTATION AND HOUSING PLANNING AND PROGRAMS."

(Recommends Adoption)

[1106](#)
(One Day Notice)

(EDH/WTL)

[S.C.R. No. 81](#)

"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."

(Recommends Adoption)

[1107](#)
(One Day Notice)

(HMS/HTH)

[S.C.R. No. 29, S.D. 1](#)

"RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS TO RAISE MEDICARE FEE SCHEDULE PAYMENT AMOUNTS FOR PHYSICIANS RENDERING SERVICES IN HAWAII."
(AMENDED TITLE)
(Recommends Adoption)

[1108](#)
(One Day Notice)

(HMS/HTH)

[S.C.R. No. 27, S.D. 1](#)

"REQUESTING THE CENTERS FOR MEDICARE AND MEDICAID SERVICES TO CONSIDER RAISING THE MEDICARE FEE SCHEDULE PAYMENT AMOUNTS FOR PHYSICIANS RENDERING SERVICES IN HAWAII."
(Recommends Adoption)

[1109](#)
(One Day Notice)

(TIA)

[S.C.R. No. 50](#)

"EXPRESSING LEGISLATIVE SUPPORT FOR THE ANE KEOHOKALO LE HIGHWAY EXTENSION, MID-LEVEL ROAD, IN THE COUNTY OF HAWAII."
(Recommends Adoption)

[1110](#)
(One Day Notice)

(TIA)

[S.R. No. 30](#)

"EXPRESSING LEGISLATIVE SUPPORT FOR THE ANE KEOHOKALO LE HIGHWAY EXTENSION, MID-LEVEL ROAD, IN THE COUNTY OF HAWAII."
(Recommends Adoption)

[1111](#)
(One Day Notice)

(TIA)

[S.C.R. No. 119](#)

"RECOGNIZING THE IMPORTANCE OF BICYCLING."
(Recommends Adoption)

[1112](#)
(One Day Notice)

(TIA)

[S.R. No. 78](#)

"RECOGNIZING THE IMPORTANCE OF BICYCLING."
(Recommends Adoption)

[1113](#)
(One Day Notice)

(TIA)

[S.C.R. No. 80](#)

"URGING NONPROFIT ORGANIZATIONS AND COMMUNITY GROUPS TO ESTABLISH SAFETY PROCEDURES FOR ROADSIDE SOLICITATION OF FUNDS AND DONATED GOODS."
(Recommends Adoption)

[1114](#)
(One Day Notice)

(TIA)

[S.R. No. 48](#)

"URGING NONPROFIT ORGANIZATIONS AND COMMUNITY GROUPS TO ESTABLISH SAFETY PROCEDURES FOR ROADSIDE SOLICITATION OF FUNDS AND DONATED GOODS."
(Recommends Adoption)

[1115](#)
(One Day Notice)

(TIA)

[S.C.R. No. 127](#)

"URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ADOPT THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES."
(Recommends Adoption)

[1116](#)
(One Day Notice)

(TIA)

[S.R. No. 83](#)

"URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ADOPT THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES."
(Recommends Adoption)

[1117](#)
(One Day Notice)

(TIA)

[S.C.R. No. 109](#)

"ENCOURAGING THE ESTABLISHMENT OF A FERRY SYSTEM FROM THE HOAKALEI RESORT AND MARINA IN EWA BEACH TO DOWNTOWN HONOLULU."

(Recommends Adoption)

[1118](#)
(One Day Notice)

(TIA)

[S.R. No. 68](#)

"ENCOURAGING THE ESTABLISHMENT OF A FERRY SYSTEM FROM THE HOAKALEI RESORT AND MARINA IN EWA BEACH TO DOWNTOWN HONOLULU."

(Recommends Adoption)

[1119](#)
(One Day Notice)

(TIA)

[S.C.R. No. 62, S.D. 1](#)

"STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAI'I FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS."

(AMENDED TITLE)

(Recommends Adoption)

[1120](#)
(One Day Notice)

(TIA)

[S.R. No. 36, S.D. 1](#)

"STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAI'I FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS."

(AMENDED TITLE)

(Recommends Adoption)

[1121](#)
(One Day Notice)

(HMS)

[H.C.R. No. 5, S.D. 1](#)
"URGING FAITH-BASED ORGANIZATIONS TO NETWORK AND COOPERATE TO SUPPORT FOSTER FAMILIES IN HAWAII."
(Recommends Adoption)

[1122](#)
(One Day Notice)

(HMS)

[H.C.R. No. 39, S.D. 1](#)
"RECOGNIZING THE MONTH OF MAY AS "FOSTER CARE AWARENESS MONTH", A TIME TO EDUCATE THE PUBLIC ABOUT THE VARIOUS COMPONENTS OF FOSTER CARE, INCLUDING FOSTER PARENTS, CHILDREN, AND FAMILIES."
(Recommends Adoption)

[1123](#)
(One Day Notice)

(EDH/WTL)

[H.B. No. 1186, H.D. 1](#)
"RELATING TO HOUSING DEVELOPMENT."
(Recommends passage on SECOND READING and placement on the calendar for Third Reading)

ORDER OF THE DAY

7. Advise and Consent

[1088](#)
[Testimony Status](#)

TIA

[G.M. No. 278](#)
"Submitting for consideration and confirmation to the Medical Advisory Board, Gubernatorial Nominee, CARLOS WARTER MD, for a term to expire 6-30-2013."

8. Referrals and Re-Referrals

RE-REFERRALS FOR THURSDAY, APRIL 2, 2009

<u>MEASURE</u>	<u>TITLE</u>	<u>RE-REFERRAL</u>
S.C.R. 69	REQUESTING THAT THE AUDITOR PERFORM A SUNRISE ANALYSIS ON THE LICENSING OF ATHLETIC TRAINERS. (Athletic trainers; regulation; sunrise audit.) (CPN, WAM)	CPN

9. Miscellaneous Communications: None

10. Miscellaneous Business

11. Announcements

- Floor Presentation for Friday, April 3, 2009:

RECOGNIZING AND CONGRATULATING HENRY KALEIALOHA ALLEN ON
 HIS LIFETIME ACHIEVEMENT AWARD. (Senator Baker)

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
HMS/HTH	4/2/2009 1:15 PM	016
HRE	4/2/2009 1:15 PM	225
HTH/HMS	4/2/2009 1:15 PM	016
PSM	4/2/2009 1:15 PM	229
LBR/HMS	4/2/2009 1:45 PM	016
HMS	4/2/2009 2:00 PM	016
LBR	4/2/2009 2:45 PM	224
ENE/EDT	4/2/2009 3:00 PM	225
ENE	4/2/2009 3:15 PM	225
ENE/CPN/JGO	4/2/2009 3:30 PM	225
TSM/WAM	4/3/2009 9:00 AM	211
JGO/WAM	4/3/2009 9:15 AM	211
CPN	4/3/2009 9:30 AM	229
WAM	4/3/2009 9:45 AM	211

EDT/JGO	4/3/2009 1:15 PM	016
HTH/EDH	4/3/2009 1:15 PM	225
TIA/WTL	4/3/2009 1:15 PM	224
WTL	4/3/2009 2:45 PM	229
EDH	4/6/2009 1:15 PM	225
EDT	4/6/2009 1:15 PM	016
HMS/PSM	4/7/2009 1:15 PM	229
HRE	4/7/2009 1:15 PM	225
PSM	4/7/2009 1:30 PM	229
EDH	4/8/2009 1:15 PM	225
HRE	4/9/2009 1:15 PM	225

- Senate Session will convene at 11:30 a.m. on Friday, April 3, 2009.

12. Adjournment