

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

FORTY-FIRST DAY

APRIL 3, 2009-FRIDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by Professor Linda Hamilton Krieger
University of Hawaii, William S. Richardson School of Law

Roll Call

Approval of the Journal

Introductions

- Floor Presentation:

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

1. Messages from the Governor: No. 561

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 561	Informing the Senate that on April 1, 2009, the Governor has withdrawn STANLEY T. KOKI, Gubernatorial Nominee to the Civil Rights Commission from consideration by the Senate (GM349).	FILE

2. Departmental Communications: None

3. House Communication Nos. 357-372

Informing the Senate that on April 2, 2009, the House reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House Bill:

REFERRAL

- | | | |
|-----|---|----------------|
| 357 | H.B. No. 520, H.D. 1, S.D. 1
"RELATING TO BUILDINGS."(Historic Building Photograph Requirement; Repeal Act 228) | FILE |
| | Returning the following Senate Bills which passed Third Reading in the House on April 2, 2009, in an amended form: | |
| 358 | S.B. No. 715, H.D. 1
"RELATING TO TRANSPORTATION."(Highways; Counties) | AGREE/DISAGREE |
| 359 | S.B. No. 823, S.D. 1, H.D. 1
"RELATING TO FAMILY LEAVE."(Family Leave; Posting of Notice) | AGREE/DISAGREE |
| | Returning the following Senate Bills which passed Third Reading in the House on April 2, 2009: | |
| 360 | S.B. No. 108
"RELATING TO FAMILY COURT."(Temporary Guardianship of Minor; Twelve-Month Maximum) | FILE |
| 361 | S.B. No. 942, S.D. 1
"RELATING TO UNDERGROUND STORAGE TANKS."(Underground Storage Tanks) | FILE |
| 362 | S.B. No. 1130, S.D. 2
"RELATING TO THE BUREAU OF CONVEYANCES."(Bureau of Conveyances; Social Security Numbers; Land Court) | FILE |

Returning the following Senate Concurrent Resolution which was adopted by the House on April 2, 2009:

- 363 [S.C.R. No. 14, S.D. 1](#) FILE
"ENCOURAGING PARTICIPATION IN THE WHITE RIBBON CAMPAIGN TO END VIOLENCE AGAINST WOMEN."(Violence Against Women; White Ribbon Campaign)

Returning the following Senate Concurrent Resolution which was adopted by the House on April 2, 2009, in an amended form:

- 364 [S.C.R. No. 15, S.D. 1, H.D. 1](#) AGREE/DISAGREE
"DESIGNATING THE FIRST WEEK IN FEBRUARY AS HAWAII TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK."(Hawaii Teen Dating Violence Awareness and Prevention Week)

Returning the following Senate Concurrent Resolution which was adopted by the House on April 2, 2009:

- 365 [S.C.R. No. 19, S.D. 1](#) FILE
"URGING FAITH-BASED ORGANIZATIONS TO NETWORK AND COOPERATE TO SUPPORT FOSTER FAMILIES IN HAWAII."(Foster Families; Faith-Based Organizations)

Informing the Senate that on April 2, 2009, the following House Concurrent Resolutions were adopted in the House:

- 366 [H.C.R. No. 42](#)
"REQUESTING THE DEPARTMENT OF DEFENSE TO ALLOW AVAILABLE SURPLUS HELICOPTERS TO BE USED FOR MEDICAL EVACUATION SERVICES."(State Surplus Helicopters; Medical Evacuation Services)

- 367 [H.C.R. No. 49, H.D. 1](#)
"URGING FULL PRESERVATION OF
UNITED STATES MARINE CORPS AIR
STATION EWA AS A NATIONAL
MONUMENT, MUSEUM, AND RESTORED
PARK FOR THE STATE OF
HAWAII."(Historic Preservation; National
Monument; Landmark)
- 368 [H.C.R. No. 116](#)
"URGING THE COUNTY OF KAUAI TO
RESTORE PRINCE KUHIO PARK TO ITS
FORMER CONFIGURATION."(Prince Kuhio
Park; Kaua'i)
- 369 [H.C.R. No. 138](#)
"REQUESTING THE DEPARTMENT OF
LAND AND NATURAL RESOURCES TO
REMOVE THE KA`OHE HOMESTEADS
FROM THE GEOTHERMAL RESOURCES
SUBZONE DESIGNATION."(Ka`ohe
Homesteads; Geothermal Resource Zone
Removal)
- 370 [H.C.R. No. 157](#)
"URGING PUBLIC AND PRIVATE
AGENCIES TO ENCOURAGE THEIR
PARENT CLIENTS TO TURN ON CLOSED
CAPTIONING WHEN THEIR CHILDREN
WATCH TELEVISION."(Television; Use of
Closed-Captioning For Children)
- 371 [H.C.R. No. 162](#)
"RECOGNIZING THE IMPORTANCE OF
BICYCLING."(Bicycling; Transportation)
- 372 [H.C.R. No. 215](#)
"REQUESTING THE DEPARTMENT OF
HEALTH TO REVIEW AND ASSESS THE
POLICIES AND PROCEDURES
IMPLEMENTED BY HOSPITALS TO
REDUCE ELECTIVE CESAREAN SECTIONS
AND INDUCTION OF LABOR."(Pre-term
Births; Cesarean Sections; Induction of Labor)

4. Senate Communications: None
5. Judiciary Communications: None
6. Standing Committee Report Nos. 1124-1139

<u>1124</u>	(CPN)	<u>S.C.R. No. 35, S.D. 1</u> "REQUESTING A SUNRISE REVIEW OF ATHLETIC TRAINERS." (Recommends referral to WAM)
<u>1125</u>	(CPN/HTH)	<u>S.C.R. No. 26, S.D. 1</u> "REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURANCE COVERAGE FOR COLONOSCOPY COLORECTAL CANCER SCREENING." (Recommends referral to WAM)
<u>1126</u> (One Day Notice)	(CPN)	<u>S.C.R. No. 45, S.D. 1</u> "REQUESTING A SUNRISE REVIEW OF PROFESSIONAL EMPLOYER ORGANIZATIONS." (Recommends Adoption)
<u>1127</u> (One Day Notice)	(ENE/TIA)	<u>S.C.R. No. 126, S.D. 1</u> "EXPRESSING SUPPORT FOR THE ELECTRIFICATION OF ENERGY EFFICIENT TRANSPORTATION SYSTEMS IN HAWAII." (Recommends Adoption)

[1128](#)
(One Day Notice)

(ENE/TIA)

[S.R. No. 82, S.D. 1](#)

"EXPRESSING SUPPORT FOR THE
ELECTRIFICATION OF ENERGY
EFFICIENT TRANSPORTATION
SYSTEMS IN HAWAII."
(Recommends Adoption)

[1129](#)
(One Day Notice)

(ENE/TIA)

[S.C.R. No. 74, S.D. 1](#)

"REQUESTING THE OBAMA
ADMINISTRATION TO HOST A UNITED
NATIONS CLIMATE CHANGE
CONFERENCE IN HAWAII IN 2010."
(Recommends Adoption)

[1130](#)
(One Day Notice)

(ENE/TIA)

[S.R. No. 45, S.D. 1](#)

"REQUESTING THE OBAMA
ADMINISTRATION TO HOST A UNITED
NATIONS CLIMATE CHANGE
CONFERENCE IN HAWAII IN 2010."
(Recommends Adoption)

[1131](#)
(One Day Notice)

(WTL/PSM)

[S.C.R. No. 72](#)

"REQUESTING THE UNITED STATES
DEPARTMENT OF AGRICULTURE AND
THE UNITED STATES DEPARTMENT OF
HOMELAND SECURITY TO
COLLABORATE AND SHARE
INFORMATION WITH THE
DEPARTMENT OF AGRICULTURE TO
PREVENT INVASIVE SPECIES FROM
ENTERING THE STATE OF HAWAII."
(Recommends Adoption)

[1132](#)
(One Day Notice)

(WTL/PSM)

[S.R. No. 43, S.D. 1](#)

"REQUESTING THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO COLLABORATE AND SHARE INFORMATION WITH THE DEPARTMENT OF AGRICULTURE TO PREVENT INVASIVE SPECIES FROM ENTERING THE STATE OF HAWAII."
(Recommends Adoption)

[1133](#)
(One Day Notice)

(WTL/HRE)

[S.C.R. No. 73](#)

"URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE UNIVERSITY OF HAWAII TO CONVENE MEETINGS WITH STAKEHOLDERS TO ADDRESS STEWARDSHIP ISSUES AND AFFIRM THE STATE'S COMMITMENT TO A COOPERATIVE RELATIONSHIP WITH THE VARIED MEMBERS OF THE COMMUNITY INTERESTED IN MAUNA KEA AND ITS UNIQUE SPIRITUAL, CULTURAL, HISTORICAL, AND NATURAL RESOURCES."
(Recommends Adoption)

[1134](#)
(One Day Notice)

(WTL/HRE)

[S.R. No. 44, S.D. 1](#)

"URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE UNIVERSITY OF HAWAII TO CONVENE MEETINGS WITH STAKEHOLDERS TO ADDRESS STEWARDSHIP ISSUES AND AFFIRM THE STATE'S COMMITMENT TO A COOPERATIVE RELATIONSHIP WITH THE VARIED MEMBERS OF THE COMMUNITY INTERESTED IN MAUNA KEA AND ITS UNIQUE SPIRITUAL, CULTURAL, HISTORICAL, AND NATURAL RESOURCES."
(Recommends Adoption)

[1135](#) (CPN)

[S.C.R. No. 53](#)

"REQUESTING THE AUDITOR TO CONDUCT A REVIEW OF THE REGULATION OF REAL ESTATE APPRAISAL MANAGEMENT COMPANIES."
(Recommends referral to WAM)

[1136](#) (CPN)

[S.C.R. No. 61](#)

"REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE STATE BOXING COMMISSION OF HAWAII."
(Recommends referral to WAM)

[1137](#) (CPN/HTH)

[S.C.R. No. 25, S.D. 1](#)

"REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE PARITY OF COVERAGE FOR ORAL AND INTRAVENOUS CHEMOTHERAPY."
(Recommends referral to WAM)

[1138](#) (HMS)
(One Day Notice)

[H.C.R. No. 32, S.D. 1](#)

"SUPPORTING INTERNATIONAL WHITE RIBBON CAMPAIGNS TO END MEN'S VIOLENCE AGAINST WOMEN AND ENCOURAGING THE ESTABLISHMENT OF A WHITE RIBBON CAMPAIGN ORGANIZATION IN HAWAII."
(Recommends Adoption)

[1139](#)
(One Day Notice)

(HMS)

[H.C.R. No. 46, S.D. 1](#)

"URGING CONGRESS TO PRESERVE FUNDING AND MAINTAIN PROGRAMS, LAWS, REGULATIONS, AND POLICIES THAT ASSIST VICTIMS OF DOMESTIC VIOLENCE."

(Recommends Adoption)

ORDER OF THE DAY

7. Advise and Consent

[1092](#)

TSM

[G.M. No. 477](#)

[Testimony Status](#)

"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."

[1093](#)

WTL

[G.M. No. 420](#)

[Testimony Status](#)

"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."

[1094](#)

WTL

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

[Testimony Status](#)

"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."

8. Adopt Resolutions

[1101](#)

EDH

[S.C.R. No. 86](#)

"REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AN INVENTORY OF ALL TEXTBOOKS FOR ALL PUBLIC SCHOOLS."

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

[1102](#)

EDH

[S.C.R. No. 150, S.D. 1](#)

"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."

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

[1103](#)

EDH

[S.C.R. No. 149, S.D. 1](#)

"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."

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

[1104](#)

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."

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

[1105](#)

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."

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

[1106](#)

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."

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

1107 Testimony Prior Versions Status	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)
1108 Testimony Prior Versions Status	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."
1109 Testimony Prior Versions Status	TIA	S.C.R. No. 50 "EXPRESSING LEGISLATIVE SUPPORT FOR THE ANE KEOHOKALOLE HIGHWAY EXTENSION, MID-LEVEL ROAD, IN THE COUNTY OF HAWAI'I."
1110 Testimony Prior Versions Status	TIA	S.R. No. 30 "EXPRESSING LEGISLATIVE SUPPORT FOR THE ANE KEOHOKALOLE HIGHWAY EXTENSION, MID-LEVEL ROAD, IN THE COUNTY OF HAWAI'I."
1111 Testimony Prior Versions Status	TIA	S.C.R. No. 119 "RECOGNIZING THE IMPORTANCE OF BICYCLING."
1112 Testimony Prior Versions Status	TIA	S.R. No. 78 "RECOGNIZING THE IMPORTANCE OF BICYCLING."

1113 Testimony Prior Versions Status	TIA	S.C.R. No. 80 "URGING NONPROFIT ORGANIZATIONS AND COMMUNITY GROUPS TO ESTABLISH SAFETY PROCEDURES FOR ROADSIDE SOLICITATION OF FUNDS AND DONATED GOODS."
1114 Testimony Prior Versions Status	TIA	S.R. No. 48 "URGING NONPROFIT ORGANIZATIONS AND COMMUNITY GROUPS TO ESTABLISH SAFETY PROCEDURES FOR ROADSIDE SOLICITATION OF FUNDS AND DONATED GOODS."
1115 Testimony Prior Versions Status	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."
1116 Testimony Prior Versions Status	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."
1117 Testimony Prior Versions Status	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."

1118 Testimony Prior Versions Status	TIA	S.R. No. 68 "ENCOURAGING THE ESTABLISHMENT OF A FERRY SYSTEM FROM THE HOAKALEI RESORT AND MARINA IN EWA BEACH TO DOWNTOWN HONOLULU."
1119 Testimony Prior Versions Status	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)
1120 Testimony Prior Versions Status	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)
1121 Testimony Prior Versions Status	HMS	H.C.R. No. 5, S.D. 1 "URGING FAITH-BASED ORGANIZATIONS TO NETWORK AND COOPERATE TO SUPPORT FOSTER FAMILIES IN HAWAII."

[1122](#)

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."

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

9. Third Reading

[\(See Stand. Com. Rep. No. 1123\)](#)

[H.B. No. 1186, H.D. 1](#)

"RELATING TO HOUSING DEVELOPMENT." - (EDH/WTL)

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

(Affordable Housing; Planned Developments; Cash-In-Lieu)

10. Referrals and Re-Referrals

RE-REFERRALS FOR FRIDAY, APRIL 3, 2009

MEASURE

TITLE

RE-REFERRAL

[H.B. 1713, H.D. 2, S.D. 1](#)

RELATING TO HAZARDS.
(Hazard Mitigation; Private Property) (PSM, JGO)

PSM, JGO/WAM

11. Miscellaneous Communications: None

12. Miscellaneous Business

13. Announcements

- Committee Hearing Schedule:

COMMITTEE	DATE & TIME	ROOM
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
WAM	4/6/2009 9:30 AM	211
JGO	4/6/2009 10:00 AM	016
WAM	4/6/2009 10:00 AM	211
JGO	4/6/2009 10:15 AM	016
WAM/JGO	4/6/2009 10:30 AM	211
EDH	4/6/2009 1:15 PM	225
EDT	4/6/2009 1:15 PM	016
ENE/EDT	4/6/2009 1:15 PM	016
WTL/EDT/HRE	4/6/2009 1:15 PM	016
HRE/EDT	4/6/2009 1:20 PM	016
EDH/ENE	4/6/2009 1:30 PM	225
WTL	4/6/2009 2:45 PM	229
HMS	4/7/2009 1:15 PM	016
HMS/HTH	4/7/2009 1:15 PM	016
HMS/PSM	4/7/2009 1:15 PM	229
HRE	4/7/2009 1:15 PM	225
HTH/HMS	4/7/2009 1:15 PM	016
LBR/HMS	4/7/2009 1:15 PM	016
PSM	4/7/2009 1:30 PM	229
ENE/EDT	4/7/2009 2:45 PM	225
LBR-LAB	4/7/2009 2:45 PM	329
EDH	4/8/2009 1:15 PM	225
HRE	4/9/2009 1:15 PM	225
LBR	4/9/2009 2:45 PM	224

- Senate Session will convene at 11:30 a.m. on Monday, April 6, 2009.

14. Adjournment