

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

FORTY-FOURTH DAY

APRIL 8, 2009-WEDNESDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by Ainoa Naniole
Office of Senator Russell S. Kokubun

Roll Call

Approval of the Journal

Introductions

- Floor Presentations:

HONORING AND COMMENDING RICHARD MARUYA, INVENTOR OF THE CLIMATE FRIENDLY REFRIGERANT. (Senator Gabbard and Senator Tokuda)

CONGRATULATING THE HAWAII BRANCH OF THE INTERNATIONAL DYSLEXIA ASSOCIATION (HIDA) ON 25 YEARS OF SERVICE IN HAWAII. (Senator Sakamoto)

1. Messages from the Governor: Nos. 599-601

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 599	Dated March 24, 2009, transmitting a report prepared by the Department of Business, Economic Development, and Tourism pursuant to Act 240, SLH 2006, "Hydrogen Investment Capital Special Fund Fiscal Year 2008-2009: Measures of Effectiveness of the Renewable Hydrogen Program."	FILE

[G.M. No. 600](#) Dated April 14, 2009, transmitting the Hawaii 3Rs School Repair and Maintenance Fund Report, prepared by the Department of Education pursuant to Section 302A-1502.4, HRS. FILE

[G.M. No. 601](#) Dated April 14, 2009, transmitting the March, 2009 Report on the Medicaid School-based Claiming Program, prepared by the Department of Education pursuant to Act 141, SLH 2005. FILE

2. Departmental Communications: None

3. House Communication Nos. 391-394

Informing the Senate that on April 7, 2009, the House disagreed to the amendments proposed by the Senate to the following House bills:

REFERRAL

391 [H.B. No. 632, H.D. 1, S.D. 1](#) FILE
"RELATING TO POLICY ADVISORY BOARD ON VETERANS' SERVICES."(Policy Advisory Board on Veterans' Services)

[H.B. No. 1061, H.D. 1, S.D. 1](#)
"RELATING TO PUBLIC UTILITIES."(Utilities; Receivership)

[H.B. No. 1075, S.D. 1](#)
"RELATING TO INSURANCE."(Insurance; Long-Term Care Insurance)

Returning the following Senate Bills which passed Third Reading in the House on April 7, 2009, in an amended form:

392 [S.B. No. 886, S.D. 1, H.D. 1](#) AGREE/DISAGREE
"RELATING TO BUSINESS REGISTRATION."(Business Registration)

393 [S.B. No. 1055, H.D. 1](#) AGREE/DISAGREE
"RELATING TO HARBORS."(Harbors; Rules)

Returning the following Senate Concurrent Resolution which was adopted by the House on April 7, 2009, in an amended form:

394	<u>S.C.R. No. 47, S.D. 1, H.D. 1</u> "PROCLAIMING 2009 AS THE YEAR OF THE NONCOMMISSIONED OFFICER CORPS OF THE UNITED STATES ARMY."(2009 Year of the Army Noncommissioned Officer Corps)	AGREE/DISAGREE
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4. Senate Communications: None
5. Judiciary Communications: None
6. Standing Committee Report Nos. 1186-1187

[1186](#)
(One Day Notice)

(ENE)

[S.C.R. No. 89, S.D. 1](#)
"REQUESTING THE CLEAN UP AND INVESTIGATION OF ILLEGAL DUMPING AND ILLEGAL STRUCTURES AT LAUMAILE STREET IN KALIHI AND THE DEVELOPMENT AND IMPLEMENTATION OF MEASURES TO PREVENT ILLEGAL DUMPING AND ILLEGAL STRUCTURES IN THE AREA."
(Recommends Adoption)

[1187](#)
(One Day Notice)

(ENE)

[S.R. No. 55, S.D. 1](#)
"REQUESTING THE CLEAN UP AND INVESTIGATION OF ILLEGAL DUMPING AND ILLEGAL STRUCTURES AT LAUMAILE STREET IN KALIHI AND THE DEVELOPMENT AND IMPLEMENTATION OF MEASURES TO PREVENT ILLEGAL DUMPING AND ILLEGAL STRUCTURES IN THE AREA."
(Recommends Adoption)

ORDER OF THE DAY

7. Deferred Matters – Agree/Disagree

<u>HSE. COM. NO.</u>		<u>REFERRAL</u>
381	S.B. No. 58, S.D. 2, H.D. 1 "RELATING TO MOTOR VEHICLE INSURANCE."(Motor Vehicle Insurance)	AGREE/DISAGREE
382	S.B. No. 203, S.D. 2, H.D. 1 "RELATING TO CONTRACTORS."(Contractors; Civil Penalties)	AGREE/DISAGREE
383	S.B. No. 848, H.D. 1 "RELATING TO METAL."(Metal; Beer Kegs; Copper; Scrap Dealer; Theft)	AGREE/DISAGREE
384	S.B. No. 940, S.D. 1, H.D. 1 "RELATING TO INSURANCE."(Insurance; Direct Payment; Healthcare)	AGREE/DISAGREE
385	S.B. No. 1195, S.D. 1, H.D. 2 "RELATING TO THE ECONOMY."(Science and Technology; Hawaii State Plan; Economy Growth)	AGREE/DISAGREE

8. Advise and Consent

1176	WAM	G.M. No. 372 "Submitting for consideration and confirmation to the Board of Taxation Review, 4th Taxation District (Kaua'i), Gubernatorial Nominee, JOSE R. DIOGO, for a term to expire 6-30-2013."
Testimony Status		

1177 Testimony Status	WAM	G.M. No. 373 "Submitting for consideration and confirmation to the Board of Taxation Review, 2nd Taxation District (Maui), Gubernatorial Nominee, RONALD A. KAWAHARA, for a term to expire 6-30-2013."
1178 Testimony Status	WAM	G.M. No. 374 "Submitting for consideration and confirmation to the Board of Taxation Review, 1st Taxation District (Oahu), Gubernatorial Nominee, MARIA J. LOWDER, for a term to expire 6-30-2013."
1179 Testimony Status	WTL	G.M. No. 515 "Submitting for consideration and confirmation to the Board of Agriculture, Gubernatorial Nominee, CLARK S. HASHIMOTO, for a term to expire 6-30-2013."
9. Adopt Resolutions		
1180 Testimony Prior Versions Status	LBR	S.C.R. No. 64, S.D. 1 "REQUESTING EACH JURISDICTION WITHIN THE STATE OF HAWAII TO SUBMIT PERIODIC REPRICING REVIEWS, AS REQUIRED UNDER SECTION 89-9, HAWAII REVISED STATUTES."

[1181](#)

LBR

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

[S.R. No. 38, S.D. 1](#)

"REQUESTING EACH JURISDICTION WITHIN THE STATE OF HAWAII TO SUBMIT PERIODIC REPRICING REVIEWS, AS REQUIRED UNDER SECTION 89-9, HAWAII REVISED STATUTES."

[1182](#)

LBR

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

[S.C.R. No. 67, S.D. 1](#)

"REQUESTING THE HOUSE AND SENATE COMMITTEES ON LABOR TO CONDUCT JOINT HEARINGS TO ASSESS THE PERFORMANCE OF THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN AND PLAN ADMINISTRATORS, AND TO RECOMMEND APPROPRIATE MEANS TO RESOLVE COMPLAINTS BY PLAN MEMBERS."

[1183](#)

LBR

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

[S.R. No. 41, S.D. 1](#)

"REQUESTING THE SENATE COMMITTEE ON LABOR TO CONDUCT A HEARING TO ASSESS THE PERFORMANCE OF THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN AND PLAN ADMINISTRATORS, AND TO RECOMMEND APPROPRIATE MEANS TO RESOLVE COMPLAINTS BY PLAN MEMBERS."

10. Third Reading

[\(See Stand. Com. Rep. No. 1174\)](#)

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

[H.B. No. 593, H.D. 2, S.D. 1](#)
"RELATING TO SHORELINE
SETBACKS." - (WTL)

(Coastal Construction Moratorium)

[\(See Stand. Com. Rep. No. 1175\)](#)

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

[H.B. No. 1141, H.D. 1, S.D. 1](#)
"RELATING TO THRILL CRAFT
OPERATION." - (WTL/EDT)

(Thrill Craft)

[Stand. Com. Rep. No. 1185](#)

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

[H.B. No. 1436, H.D. 1, S.D. 1](#)
"RELATING TO AGRICULTURE." -
(WTL)

(Agricultural District; Permitted Uses)

11. Miscellaneous Communications: None

12. Miscellaneous Business

Waiver of Referral; Motion to Calendar for Third Reading

[H.B. No. 1663, H.D. 1, S.D. 1](#)

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

"RELATING TO TARO SECURITY." -
(ENE)

(Genetically Modified Taro; Prohibition)

13. Announcements

- Floor Presentation for Thursday, April 9, 2009:

RECOGNIZING, HONORING AND REMEMBERING REVEREND FRANK A. CHONG FOR HIS LIFELONG WORK ON BEHALF OF THE POOR, DISENFRANCHISED AND SICK IN THE STATE OF HAWAII. (Senator Galuteria)

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
EDH	4/8/2009 1:15 PM	225
WTL	4/8/2009 2:45 PM	229
LBR	4/9/2009 9:55 AM	016
JGO	4/9/2009 10:00 AM	016
JGO	4/9/2009 10:30 AM	016
HRE	4/9/2009 1:15 PM	225
LBR	4/9/2009 2:45 PM	224
ENE	4/9/2009 3:00 PM	225
HTH	4/15/2009 2:45 PM	016
PSM	4/16/2009 2:00 PM	229
PSM/HTH	4/16/2009 2:30 PM	229

- Senate Session will convene at 11:30 a.m. on Thursday, April 9, 2009.

14. Adjournment