

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

FIFTY-FOURTH DAY

APRIL 27, 2009-MONDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by The Reverend Alan Urasaki
Pacific Buddhist Academy

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 630-631

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 630	Dated April 23, 2009, transmitting a Report on the Employees' Retirement System's Hawaii Venture Capital Investment Program, pursuant to Act 260, SLH 2007.	FILE
G.M. No. 631	Informing the Senate that on April 27, 2009, the Governor signed the following bill into law: SB856 (Act 019). "RELATING TO IDENTIFICATION."	FILE

2. Departmental Communications: None

3. House Communication Nos. 678-681

Informing the Senate that on April 24, 2009, the House agreed to the amendments proposed by the Senate and that said bill passed Final Reading in the House:

REFERRAL

678

[H.B. No. 1059, H.D. 2, S.D. 1](#)
"RELATING TO THE ONE CALL CENTER."(The One Call Center)

FILE

Informing the Senate that on April 24, 2009, the House agreed to the amendments proposed by the Senate and that said resolutions have been adopted in final form in the House:

679

[H.C.R. No. 19, H.D. 1, S.D. 1](#)
"STRONGLY URGING THE SECRETARY OF DEFENSE AND THE PRESIDENT OF THE UNITED STATES TO AWARD SERGEANT RAFAEL PERALTA THE MEDAL OF HONOR."(Medal of Honor; Sergeant Rafael Peralta)

FILE

[H.C.R. No. 24, S.D. 1](#)
"URGING THE UNITED STATES POSTAL SERVICE TO ISSUE POSTAL STAMPS HONORING THE WORLD WAR II NISEI SOLDIERS, OTHER DISTINGUISHED MILITARY UNITS IN UNITED STATES HISTORY, AND AMERICANS WHO FOUGHT AGAINST DISCRIMINATION BASED ON RACE OR NATIONAL ORIGIN."(442nd Go For Broke; Commemorative Stamps)

[H.C.R. No. 42, S.D. 1](#)
"REQUESTING THE DEPARTMENT OF DEFENSE TO ALLOW AVAILABLE HELICOPTERS TO BE USED FOR MEDICAL EVACUATION SERVICES."(State Helicopters; Medical Evacuation Services)

[H.C.R. No. 56, S.D. 1](#)

"REQUESTING THE UNITED STATES CONGRESS TO PROTECT WILDLIFE AND WILDERNESS BY OPPOSING OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE ARCTIC NATIONAL WILDLIFE REFUGE AND ON THE OUTER CONTINENTAL SHELF AND SUPPORTING CLEAN, RENEWABLE ENERGY ALTERNATIVES."(Energy, Outer Continental Shelf, Arctic National Wildlife Refuge)

[H.C.R. No. 65, H.D. 1, S.D. 1](#)

"REQUESTING HAWAII-AMERICAN WATER COMPANY TO IMPLEMENT AN ODOR MITIGATION PLAN FOR ITS FACILITY IN HAWAII KAI."(Hawaii Kai Wastewater Treatment Plant Odor Mitigation Plan)

Returning the following Senate Concurrent Resolutions which were adopted by the House on April 24, 2009:

- | | | |
|-----|--|------|
| 680 | <u>S.C.R. No. 45, S.D. 1</u>
"REQUESTING A SUNRISE REVIEW OF PROFESSIONAL EMPLOYER ORGANIZATIONS."(Auditor; Professional Employer Organization) | FILE |
| 681 | <u>S.C.R. No. 53, S.D. 1</u>
"REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF REAL ESTATE APPRAISAL MANAGEMENT COMPANIES."(Auditor; Sunrise Review; Real Estate Appraisal Management Companies) | FILE |

4. Senate Communications: None
5. Judiciary Communications: None

6. Standing Committee Report Nos. 1483-1509

[1483](#)

(EDH)

[H.C.R. No. 63](#)

"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 Adoption)

[1484](#)

(EDH)

[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."
(Recommends Adoption)

- [1485](#) (EDH) [H.C.R. No. 94, H.D. 1, 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 PERFORMANCE STANDARDS FOR THESE PROPERTIES." (AMENDED TITLE)
(Recommends referral to WAM)
- [1486](#) (EDH) [H.C.R. No. 282, H.D. 1](#)
"URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO INCREASE THE MINIMUM RENT SCHEDULE."
(Recommends Adoption)
- [1487](#) (HRE/WTL) [H.C.R. No. 60, S.D. 1](#)
"REQUESTING THE NA ALA HELE ADVISORY COUNCIL TO CONVENE A SERIES OF DISCUSSIONS ON THE SAFE USE OF HUNTING DOGS ON TRAILS THAT CROSS PUBLIC HUNTING AREAS." (AMENDED TITLE)
(Recommends Adoption)
- [1488](#) (HTH/CPN) [H.C.R. No. 97, H.D. 1, S.D. 1](#)
"REQUESTING THE AUDITOR TO ASSESS THE EFFECTS OF REGULATING RESPIRATORY CARE PRACTITIONERS." (AMENDED TITLE)
(Recommends Adoption)

- [1489](#) (HMS/EDH) [H.C.R. No. 246, H.D. 1, S.D. 1](#)
"REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH A TASK FORCE TO DEVELOP A POLICY TO ADDRESS TEEN DATING VIOLENCE AND ABUSE." (AMENDED TITLE)
(Recommends Adoption)
- [1490](#) (HMS) [H.C.R. No. 157, S.D. 1](#)
"URGING PUBLIC AND PRIVATE AGENCIES TO ENCOURAGE THEIR PARENT CLIENTS TO TURN ON CLOSED CAPTIONING WHEN THEIR CHILDREN WATCH TELEVISION."
(Recommends Adoption)
- [1491](#) (HMS/PSM) [H.C.R. No. 135, S.D. 1](#)
"STRONGLY SUPPORTING THE CONCEPT OF ESTABLISHING A SYSTEM OF JUVENILE INTAKE AND ASSESSMENT CENTERS, AS EMBODIED BY THE PROPOSED PILOT BIG ISLAND JUVENILE INTAKE AND ASSESSMENT CENTER, THROUGHOUT THE STATE."
(Recommends Adoption)
- [1492](#) (PSM) [H.C.R. No. 298, H.D. 1, S.D. 1](#)
"URGING THE UNITED STATES PRESIDENT, SENATE, AND HOUSE OF REPRESENTATIVES TO ENACT LEGISLATION TO EXPEDITE IMMIGRANT VISAS FOR FAMILY REUNIFICATION OF CERTAIN FILIPINO VETERANS OF WORLD WAR II."
(AMENDED TITLE)
(Recommends Adoption)

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| 1493 | (WAM) | H.C.R. No. 76, H.D. 1, S.D. 1
"REQUESTING THE SENATE PRESIDENT AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO ESTABLISH A TASK FORCE ON REINVENTING GOVERNMENT TO EXAMINE THE CURRENT OPERATIONS AND ORGANIZATION OF STATE GOVERNMENT AND MAKE RECOMMENDATIONS ON MAKING STATE GOVERNMENT MORE EFFICIENT." (AMENDED TITLE)
(Recommends Adoption) |
| 1494 | (CPN) | H.C.R. No. 171
"REQUESTING THAT THE AUDITOR STUDY THE FEASIBILITY OF REMOVING AMATEUR BOXING FROM THE JURISDICTION OF THE STATE BOXING COMMISSION OF HAWAII."
(Recommends Adoption) |
| 1495 | (HMS/HTH) | H.C.R. No. 55, S.D. 1
"REQUESTING THE CENTERS FOR MEDICARE & MEDICAID SERVICES TO INCREASE REIMBURSEMENT TO HAWAII PROVIDERS."
(Recommends Adoption) |
| 1496 | (HMS) | H.C.R. No. 37, S.D. 1
"REQUESTING RELIGIOUS AND FAITH-BASED ORGANIZATIONS TO DEVELOP APPROPRIATE WAYS TO RESPOND TO THE NEEDS OF VICTIMS OF DOMESTIC VIOLENCE." (AMENDED TITLE)
(Recommends Adoption) |

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| 1497 | (ENE) | H.C.R. No. 266, S.D. 1
"URGING THE COUNTIES TO CONSIDER ADOPTING GRAY WATER PROVISIONS OF THE UNIFORM PLUMBING CODE AND REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PLAN TO AUTHORIZE GRAY WATER RECYCLING SYSTEMS FOR RESIDENTIAL PREMISES UNDER APPROPRIATE CIRCUMSTANCES." (AMENDED TITLE)
(Recommends Adoption) |
| 1498 | (HTH) | H.C.R. No. 35, S.D. 1
"REQUESTING THE AUDITOR TO ANALYZE A PROPOSED MEASURE TO REGULATE HOME CARE AGENCIES BY THE DEPARTMENT OF HEALTH."
(Recommends Adoption) |
| 1499 | (HTH) | H.C.R. No. 51, S.D. 1
"REQUESTING THE DEPARTMENT OF HEALTH TO INCREASE EDUCATIONAL EFFORTS TO PREVENT AND ERADICATE CERVICAL CANCER."
(Recommends Adoption) |
| 1500 | (HTH) | H.C.R. No. 215, S.D. 1
"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."
(Recommends Adoption) |

[1501](#)

(HTH/EDT)

[H.C.R. No. 148, S.D. 1](#)

"URGING THE GOVERNOR TO DESIGNATE, AND ASSERTING THE LEGISLATURE'S ENDORSEMENT OF, THE HAWAII HEALTH INFORMATION EXCHANGE, INC. TO SERVE AS THE STATE'S QUALIFIED STATE-DESIGNATED ENTITY TO EFFECTIVELY COORDINATE HEALTH INFORMATION EXCHANGE TECHNOLOGY INITIATIVES TO ENSURE THAT HAWAII IS ABLE TO RAPIDLY RESPOND TO AND QUALIFY FOR GRANT FUNDING THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR HEALTH CARE INFORMATION EXCHANGE TECHNOLOGY."
(AMENDED TITLE)
(Recommends Adoption)

[1502](#)

(One Day Notice)

(HRE)

[G.M. No. 257](#)

"Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, JANE K. KADOHIRO DRPH, APRN, CDE, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1502](#)

(One Day Notice)

(HRE)

[G.M. No. 259](#)

"Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, GARY R. KIENBAUM RN, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1502](#)
(One Day Notice)

(HRE)

[G.M. No. 274](#)

"Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, ANA M. SILVA RN, CNA, BC, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1502](#)
(One Day Notice)

(HRE)

[G.M. No. 526](#)

"Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, ALVIN GOO, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1502](#)
(One Day Notice)

(HRE)

[G.M. No. 527](#)

"Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, DENISE HOPKINS-CHADWICK, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1503](#)
(One Day Notice)

(HRE)

[G.M. No. 311](#)

"Submitting for consideration and confirmation to the Board of Directors of the Research Corporation of the University of Hawai'i, Gubernatorial Nominee, GUY P. ONTAI, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1503](#)
(One Day Notice)

(HRE)

[G.M. No. 525](#)

"Submitting for consideration and confirmation to the Board of Directors of the Research Corporation of the University of Hawai'i, Gubernatorial Nominee, ROBERT D. DEWITZ, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1504](#)
(One Day Notice)

(HRE)

[G.M. No. 312](#)

"Submitting for consideration and confirmation to the Western Interstate Commission for Higher Education (WICHE), Gubernatorial Nominee, ROBERTA M. RICHARDS, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1505](#)
(One Day Notice)

(HMS)

[G.M. No. 583](#)

"Submitting for consideration and confirmation to the Early Learning Council, Gubernatorial Nominee, DOBORA ANN KAIKALA, for a term to expire 6-30-2011."

(Recommends Senate Consent to Nomination)

[1506](#)
(One Day Notice)

(HMS)

[G.M. No. 523](#)

"Submitting for consideration and confirmation to the State Rehabilitation Council, Gubernatorial Nominee, NORITA DE LIMA, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[1506](#)
(One Day Notice)

(HMS)

[G.M. No. 524](#)

"Submitting for consideration and confirmation to the State Rehabilitation Council, Gubernatorial Nominee, GRETCHEN LAWSON, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[1507](#)
(One Day Notice)

(JGO)

[G.M. No. 510](#)

"Submitting for consideration and confirmation to the Language Access Advisory Council, Gubernatorial Nominee, ANH BROW, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1507](#)
(One Day Notice)

(JGO)

[G.M. No. 511](#)

"Submitting for consideration and confirmation to the Language Access Advisory Council, Gubernatorial Nominee, JENNIFER LANI LI, for a term to expire 6-30-2011."

(Recommends Senate Consent to Nomination)

[1507](#)
(One Day Notice)

(JGO)

[G.M. No. 512](#)

"Submitting for consideration and confirmation to the Language Access Advisory Council, Gubernatorial Nominee, AZI TURTURICI, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1508](#)
(One Day Notice)

(JGO)

[G.M. No. 529](#)

"Submitting for consideration and confirmation to the Board of Registration of the Islands of Maui, Molokai, Lanai, and Kaho'olawe, Gubernatorial Nominee, SUSAN PIRSCH, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1509](#)
(One Day Notice)

(JGO)

[G.M. No. 584](#)

"Submitting for consideration and confirmation to the Commission on the Status of Women, Gubernatorial Nominee, ADRIENNE S. KING, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1509](#)
(One Day Notice)

(JGO)

[G.M. No. 585](#)

"Submitting for consideration and confirmation to the Commission on the Status of Women, Gubernatorial Nominee, CHERIE A. MOOY, for a term to expire 6-30-2010."

(Recommends Senate Consent to Nomination)

ORDER OF THE DAY

7. Deferred Matters – Agree/Disagree

HSE. COM. NO.

REFERRAL

675

[S.C.R. No. 121, S.D. 1, H.D. 1](#)

AGREE/DISAGREE

"REQUESTING THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES, IN COOPERATION WITH THE DEPARTMENT OF AGRICULTURE, DEPARTMENT OF EDUCATION, AND THE HAWAII FARM BUREAU FEDERATION, TO CONVENE A WORKING GROUP OF STAKEHOLDERS TO CONSIDER THE FEASIBILITY OF ESTABLISHING A FARM TO SCHOOL PROGRAM IN HAWAII'S PUBLIC SCHOOLS."(Working Group; Farm to School; College of Tropical Agriculture and Human Resources)

8. Advise and Consent

[1481](#)

CPN

[G.M. No. 562](#)

[Testimony Status](#)

"Submitting for consideration and confirmation to the Cable Advisory Committee, Gubernatorial Nominee, CYNTHIA M. MARTIN, for a term to expire 6-30-2013."

[1482](#)

CPN

[G.M. No. 569](#)

[Testimony Status](#)

"Submitting for consideration and confirmation to the Board of Pharmacy, Gubernatorial Nominee, GARRETT A. LAU, for a term to expire 6-30-2013."

9. Final Adoption

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

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

"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."

10. Final Reading

[Conf. Com. Rep. No. 5](#)

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

[H.B. No. 1739, H.D. 1, S.D. 1, C.D. 1](#)

"RELATING TO TAXATION."

(Taxation; Tax Preparers; Tax Administration; Penalty and Enforcement; Conformity)

[Conf. Com. Rep. No. 53](#)

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

[S.B. No. 603, S.D. 1, H.D. 1, C.D. 1](#)

"RELATING TO PUBLIC UTILITIES."

(Public Utilities; Local Exchange Intrastate Service; Competition)

11. Miscellaneous Communications: None

12. Miscellaneous Business

13. Announcements

• Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
CONF	4/27/2009 1:00 PM	224
CONF	4/27/2009 1:00 PM	229
HRE	4/27/2009 1:15 PM	329
CONF	4/27/2009 1:25 PM	225
CONF	4/27/2009 1:30 PM	225
CONF	4/27/2009 1:30 PM	229
CONF	4/27/2009 1:45 PM	225
CONF	4/27/2009 2:00 PM	329
CONF	4/27/2009 2:00 PM	016
CONF	4/27/2009 2:00 PM	325
CONF	4/27/2009 2:00 PM	225
WTL	4/27/2009 2:00 PM	224
WTL/TIA	4/27/2009 2:00 PM	224
CONF	4/27/2009 2:05 PM	329
CONF	4/27/2009 2:30 PM	016
TIA	4/27/2009 2:30 PM	225
CONF	4/27/2009 2:45 PM	224
CONF	4/27/2009 2:55 PM	312
CONF	4/27/2009 3:00 PM	312
CONF	4/27/2009 3:00 PM	325
CONF	4/27/2009 3:00 PM	229
CONF	4/27/2009 3:30 PM	229
CONF	4/27/2009 3:30 PM	423
CONF	4/27/2009 4:00 PM	325
CONF	4/27/2009 4:00 PM	224
CONF	4/27/2009 4:00 PM	229
CONF	4/27/2009 4:00 PM	423
CONF	4/27/2009 4:30 PM	325
CONF	4/27/2009 7:00 PM	309
CONF	4/28/2009 9:00 AM	229
CONF	4/28/2009 9:30 AM	312
CONF	4/28/2009 10:00 AM	225
HMS	4/28/2009 10:00 AM	229
CONF	4/28/2009 10:15 AM	016
CONF	4/28/2009 10:15 AM	329
CONF	4/28/2009 10:25 AM	329
CONF	4/28/2009 10:30 AM	312
CONF	4/28/2009 10:30 AM	423
CONF	4/28/2009 10:45 AM	016

CONF	4/28/2009 11:00 AM	229
CONF	4/28/2009 11:00 AM	312
CONF	4/28/2009 1:30 PM	229
CONF	4/28/2009 1:30 PM	423
CONF	4/28/2009 1:30 PM	225
CONF	4/28/2009 2:00 PM	225
EDT	4/28/2009 2:00 PM	423
CONF	4/28/2009 2:15 PM	224
CONF	4/28/2009 2:15 PM	225
CONF	4/28/2009 2:45 PM	309
CONF	4/28/2009 2:45 PM	423
CONF	4/28/2009 3:00 PM	423
CONF	4/28/2009 3:00 PM	229
CONF	4/28/2009 3:00 PM	225
CONF	4/28/2009 3:00 PM	312
CONF	4/28/2009 3:30 PM	224
CONF	4/28/2009 3:30 PM	423
CONF	4/29/2009 1:30 PM	423
CONF	4/29/2009 1:30 PM	229
CONF	4/29/2009 3:00 PM	312
CONF	4/29/2009 3:00 PM	229
CONF	4/29/2009 3:15 PM	312

- Senate Session will convene at 11:30 a.m. on Tuesday, April 28, 2009.

14. Adjournment