

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

THIRD DAY

JANUARY 23, 2009-FRIDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by Andrei Plotnik
Office of Senator Robert Bunda

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 208-218

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 208	Dated January 9, 2009, transmitting a report prepared by ICF International for the Hawaii Department of Business, Economic Development and Tourism on the Hawaii Greenhouse Gas Inventory, 1990 and 2007, pursuant to Act 234, SLH 2007.	FILE
G.M. No. 209	Dated January 9, 2009, transmitting a report prepared by the Department of Commerce and Consumer Affairs on How the Department's Expenditures will be Aligned with its Special Fund Revenue Collections, pursuant to Act 213, Section 196, SLH 2007.	FILE

G.M. No. 210	Dated January 13, 2009, transmitting the report, "20-Year Review of Water Use Permits," prepared by the Department of Land and Natural Resources, pursuant to Section 174C-56, HRS.	FILE
G.M. No. 211	Dated January 16, 2009, transmitting a report prepared by the Department of Human Services required by Act 2, Special Session of 2008.	FILE
G.M. No. 212	Dated January 16, 2009, transmitting a report prepared by the Department of Labor and Industrial Relations, Occupational Safety and Health Division, on Meeting Staffing Benchmarks, pursuant to Act 158, SLH 2008.	FILE
G.M. No. 213	Dated January 21, 2009, transmitting a report prepared by the Department of Health requesting the Executive Office on Aging to Coordinate Family Caregiver Support Services, pursuant to Act 213, SLH 2007.	FILE
G.M. No. 214	Dated January 21, 2009, transmitting a Report on the Activities of the Deposit Beverage Container Program, prepared by the Department of Health pursuant to Sections 342G-102.5(h), 342G-114.5(b), and 342G-123, HRS.	FILE
G.M. No. 215	Dated January 21, 2009, transmitting a Report on the Detailed Accounting of All Revenues and Expenditures of the Hawaii Tobacco Settlement Special Fund, prepared by the Department of Health and the University of Hawaii pursuant to Act 264, Section 2, SLH 2007.	FILE
G.M. No. 216	Dated January 21, 2009, transmitting the Annual Report on Solid Waste Management prepared by the Department of Health pursuant to Section 342G-15, HRS.	FILE
G.M. No. 217	Dated January 22, 2009, transmitting a Report on Shaken Baby Syndrome, prepared by the Department of Health pursuant to Section 321-33, Section 3, HRS.	FILE

[G.M. No. 218](#) Dated January 22, 2009, transmitting the Annual Report on the Activities Under the Neurotrauma Special Fund, prepared by the Department of Health pursuant to Section 321H-4, HRS. FILE

2. Departmental Communication Nos. 1-54

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
D.C. No. 1	From the Department of Business, Economic Development and Tourism, dated September 17, 2008, transmitting DBEDT's CD-ROM, the 2008 Hawaii Data Disc containing the 2003 through 2007 State of Hawaii Data Books.	FILE
D.C. No. 2	From the Hawaii Tourism Authority, dated December 19, 2008, transmitting the executive summary and two discs containing the electronic files of all nine modules.	FILE
D.C. No. 3	From the Office of Hawaiian Affairs dated December 31, 2008, transmitting a report on the Taro Security and Purity Task Force, pursuant to Act 211.	FILE
D.C. No. 4	From the Department of Education dated October 10, 2008, transmitting the Financial Report of the Department of Education for fiscal year 2006-07.	FILE
D.C. No. 5	From the University of Hawaii dated November 14, 2008, transmitting the Annual Report on Hawaii P-20 Partnerships for Education and Plans for Education in the Twenty-First Century, pursuant to Act 281, SLH 2007.	FILE
D.C. No. 6	From the University of Hawaii dated November 25, 2008, transmitting the Annual Report on Government Operations pursuant to Act 100, SLH 1999, and the Biennium Report on Benchmarks and Performance Indicators pursuant to Section 304-4.5, HRS 2005 and Section 304A-2001, HRS 2006.	FILE

<u>D.C. No. 7</u>	From the University of Hawaii dated November 25, 2008, transmitting the Annual Report on the Construction Academy Curriculum pursuant to Section 304A-1144, HRS.	FILE
<u>D.C. No. 8</u>	From the University of Hawaii dated November 26, 2008, transmitting the Annual Report on Operations of the Hawaii Research Center for Future Studies, pursuant to Section 304A-3253, HRS.	FILE
<u>D.C. No. 9</u>	From the University of Hawaii dated November 26, 2008, transmitting a Report on Grandparents Raising Grandchildren for 2009 pursuant to Act 11, Special Session of 2008.	FILE
<u>D.C. No. 10</u>	From the University of Hawaii dated December 5, 2008, transmitting the Annual Report from the Medical Education Council, pursuant to Section 304A-1704, HRS.	FILE
<u>D.C. No. 11</u>	From the University of Hawaii dated December 5, 2008, transmitting a Report by the College of Tropical Agriculture and Human Resources on the Feasibility of Constructing a Multipurpose, Multi-User Processing Facility in Ewa for 2009 pursuant to H.C.R. No. 357 (2008).	FILE
<u>D.C. No. 12</u>	From the University of Hawaii dated December 8, 2008, transmitting a Report from the Agricultural Diagnostic Service Center on the Need of Hawaii's Agricultural Industry for 2009 pursuant to H.C.R. No. 116 (2008).	FILE
<u>D.C. No. 13</u>	From the University of Hawaii dated December 11, 2008, transmitting the Annual Report on the Transfer of Appropriated Funds and Positions, pursuant to Section 37-74, HRS.	FILE
<u>D.C. No. 14</u>	From the University of Hawaii dated December 12, 2008, transmitting the Annual Report of the University of Hawaii on All Revenue Bonds Issued, pursuant to Section 304A-2689, HRS.	FILE

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| <u>D.C. No. 15</u> | From the University of Hawaii dated December 30, 2008, transmitting the Annual Report for the John A. Burns School of Medicine Substance Abuse Pilot Program for 2008 and 2009, pursuant to Act 178, SLH 2007. | FILE |
| <u>D.C. No. 16</u> | From the University of Hawaii dated December 30, 2008, transmitting a Report on the University of Hawaii's Information Technology Center pursuant to Act 158, Section 131. 2, SLH 2008. | FILE |
| <u>D.C. No. 17</u> | From the University of Hawaii dated December 30, 2008, transmitting a Report on the Stem Professional Development Program and the Status on the Transition to Teaching Program, pursuant to Act 111, Sections 15 and 18, SLH 2007. | FILE |
| <u>D.C. No. 18</u> | From the University of Hawaii dated December 30, 2008, transmitting a Report on Hawaii Excellence through Science and Technology Academy Pilot Program, pursuant to Act 111, Section 8, SLH 2007. | FILE |
| <u>D.C. No. 19</u> | From the University of Hawaii dated December 30, 2008, transmitting the Annual Report on the Nursing Scholars Program, pursuant to Section 304A-3305, HRS. | FILE |
| <u>D.C. No. 20</u> | From the University of Hawaii dated December 30, 2008, transmitting the Annual Report on the Community College Conference Center Revolving Fund, pursuant to Section 304A-2273, HRS. | FILE |
| <u>D.C. No. 21</u> | From the University of Hawaii dated December 30, 2008, transmitting the Annual Report of the Student Scholarship and Assistance Special Fund 2007-2008, pursuant to Section 304A-2159, HRS. | FILE |

<u>D.C. No. 22</u>	From the University of Hawaii dated December 30, 2008, transmitting the Annual Report on the University of Hawaii Risk Management Special Fund, pursuant to Section 304A-2151, HRS/Act 186, SLH 2003.	FILE
<u>D.C. No. 23</u>	From the University of Hawaii dated December 30, 2008, transmitting the Annual Report from the Hawaii Natural Energy Institute, pursuant to Section 304A-1891, HRS.	FILE
<u>D.C. No. 24</u>	From the University of Hawaii dated December 30, 2008, transmitting the Annual Report on Salaries Paid to Executive/Managerial and Faculty Employees, pursuant to Section 304A-1004, HRS.	FILE
<u>D.C. No. 25</u>	From the University of Hawaii dated December 30, 2008, transmitting the Annual Report on University of Hawaii Uncollectible Accounts FY2007, pursuant to Chapter 40-82, HRS.	FILE
<u>D.C. No. 26</u>	From the University of Hawaii dated December 30, 2008, transmitting a Report on University of Hawaii-Community Colleges' Enrollment Growth Funding, pursuant to Act 213, Section 93, SLH 2007.	FILE
<u>D.C. No. 27</u>	From the University of Hawaii dated December 30, 2008, transmitting the Annual Report on University of Hawaii Tuition and Fees Special Fund Expenditures, pursuant to Section 304A-2153, HRS.	FILE
<u>D.C. No. 28</u>	From the University of Hawaii dated January 7, 2009, transmitting a Report on the University of Hawaii's Hyperbaric Treatment Center, pursuant to Act 158, Section 90.2, SLH 2008.	FILE
<u>D.C. No. 29</u>	From the University of Hawaii dated January 7, 2009, transmitting a Report on the Hawaii AIDS Research Program for 2008 and 2009, pursuant to Act 213, SLH 2007.	FILE

<u>D.C. No. 30</u>	From the University of Hawaii dated January 12, 2009, transmitting the Interim Report by the Hawaii State Center for Nursing, pursuant to Act 173, SLH 2008.	FILE
<u>D.C. No. 31</u>	From the University of Hawaii dated January 13, 2009, transmitting the Progress Report by the Public Policy Center to Propose a More Effective and Transparent Public Understanding of the Funding for the Department of Education Programs and Services for 2009, pursuant to S.C.R. No. 118 (2008).	FILE
<u>D.C. No. 32</u>	From the University of Hawaii dated January 15, 2009, transmitting a Preliminary Report by the John A. Burns School of Medicine on the Current Practices of Hawaii Telemedicine System for 2009, pursuant to H.C.R. No. 138 (2008).	FILE
<u>D.C. No. 33</u>	From the University of Hawaii dated January 15, 2009, transmitting a Report on the University of Hawaii Security and Prevention Measures, pursuant to Act 158, Section 90.3, SLH 2008.	FILE
<u>D.C. No. 34</u>	From the University of Hawaii dated January 15, 2009, transmitting a Report on the University of Hawaii at Manoa Library Collections and Services for 2009, pursuant to Act 158, Section 90.1, SLH 2008.	FILE
<u>D.C. No. 35</u>	From the University of Hawaii dated January 15, 2009, transmitting the Annual Report on the Research and Training Revolving Fund 2007-2008, pursuant to Section 304A-2253, HRS.	FILE
<u>D.C. No. 36</u>	From the State Ombudsman dated December 29, 2008, transmitting its Annual Report (Report No. 38).	FILE
<u>D.C. No. 37</u>	From the State Auditor dated November 6, 2008, transmitting a report, "Sunrise Analysis of the Industrial Hygiene, Safety, and Health Physics Professions," (Report No. 08-10).	FILE

<u>D.C. No. 38</u>	From the State Auditor dated December 16, 2008, transmitting a report, "Performance Audit on the State Administration's Actions Exempting Certain harbor Improvements to Facilitate Large Capacity Ferry Vessels from the Requirements of the Hawaii Environmental Impact Statements Law; Phase II," (Report No.08-11).	FILE
<u>D.C. No. 39</u>	From the State Auditor dated December 30, 2008, transmitting a report, "Hawaii Broadband Task Force Final Report."	FILE
<u>D.C. No. 40</u>	From the State Auditor dated January 7, 2009, transmitting a report, "Review of Revolving Funds, Trust Funds, and Trust Accounts for the Departments of Accounting and General Services, Agriculture, Budget and Finance, and Land and Natural Resources," (Report No. 09-11).	FILE
<u>D.C. No. 41</u>	From the State Auditor dated January 13, 2009, transmitting a report, "Management and Financial Audit of Hawaii Tourism Authority's Major Contracts," (Report No. 09-02).	FILE
<u>D.C. No. 42</u>	From the Honolulu City Council dated September 26, 2008, transmitting Resolution No. 08-183, CD1, which was adopted on September 24, 2008.	FILE
<u>D.C. No. 43</u>	From the Honolulu City Council dated September 26, 2008, transmitting Resolution No. 08-202 which was adopted on September 24, 2008.	FILE
<u>D.C. No. 44</u>	From the Kauai County Council dated September 12, 2008, transmitting Resolution No. 2008-42, Supporting the Recovery of the Hawaii State Mammal, the Critically Endangered Endemic Hawaiian Monk Seal, which was adopted on September 10, 2008.	FILE

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| <u>D.C. No. 45</u> | From the Kauai County Council dated October 9, 2008, transmitting Resolution No. 2008-44, Supporting the Efforts by the State of Hawaii, County of Kauai and Other Stakeholders to Improve Bicycle Safety in the County of Kauai, which was adopted on October 8, 2008. | FILE |
| <u>D.C. No. 46</u> | From the Kauai County Council dated October 23, 2008, transmitting Resolution No. 2008-43, Encourage the State of Hawaii Department of Agriculture to Protect Kauai from Any Potential Infestation of the Varroa Mite, which was adopted on October 22, 2008. | FILE |
| <u>D.C. No. 47</u> | From the Hawaii Police Department dated December 4, 2008, transmitting a report concerning electric guns and their use during the past year, pursuant to Section 134-16(d), HRS. | FILE |
| <u>D.C. No. 48</u> | From the Hawaii Police Department dated December 4, 2008, transmitting a report Concerning Electric Guns in the Custody and Control of the Honolulu Police Department (HPD), pursuant to Section 134-16(d), HRS. | FILE |
| <u>D.C. No. 49</u> | From the Hawaii Police Department dated December 3, 2008, transmitting a report on disciplinary action taken against sworn police personnel of the Hawaii Police Department for 2008, pursuant to Chapter 52D-3.5, HRS. | FILE |
| <u>D.C. No. 50</u> | From the Honolulu Police Department dated December 16, 2008, transmitting the 2008 Annual Report Relating to Uniform Information Practices. | FILE |
| <u>D.C. No. 51</u> | From the Maui Police Department dated January 2, 2009, transmitting the 2008 Annual Report Relating to Uniform Information Practices. | FILE |

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| <u>D.C. No. 52</u> | From the Department of the Prosecuting Attorney, City and County of Honolulu, dated December 18, 2008, transmitting a report relating to the Recommendations of the Senate Special Investigative Committee on the Hydrogen Investment Capital Special Management Contract Award pursuant to S.R. No. 2 (2008). | FILE |
| <u>D.C. No. 53</u> | From the Honolulu City Council dated December 5, 2008, transmitting Resolution 08-259, CD1, which was adopted on December 3, 2008. | FILE |
| <u>D.C. No. 54</u> | From the County of Kauai Police Department dated January 9, 2009, transmitting its 2008 annual report relating to Uniform Information Practices, pursuant to section 52D-3.5, HRS. | FILE |

3. House Communication Nos. 2-3

Informing the Senate that on January 21, 2009, the following House Concurrent Resolutions were adopted in the House:

REFERRAL

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| 2 | <u>H.C.R. No. 1</u>
“RELATING TO RECESS DAYS FOR THE REGULAR SESSION OF 2009.”(Recess days for the Regular Session of 2009.) | ADOPT |
| 3 | <u>H.C.R. No. 2</u>
“REQUESTING THE GOVERNOR TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION.”(Governor’s Address in Joint Session; 2009) | ADOPT |

4. Senate Communications: None

5. Judiciary Communications: None

6. Special Committee Report No. 1

<u>Measure</u>	<u>TITLE</u>	<u>REFERRAL</u>
Spec. Comm. Rpt. No. 1	Report from the Committee on Human Services and Public Housing on the recommendations made by the S.C.R. No. 52 Task Force Committees.	FILE

7. Introduction of Measures: Senate Bill Nos. 51-175
Senate Concurrent Resolution No. 1

<u>S.C.R. NO.</u>	<u>TITLE</u>	<u>REFERRAL</u>
1	“URGING CONGRESS TO SUPPORT THE PRESIDENT’S PROPOSED ECONOMIC STIMULUS INITIATIVE INCREASING FEDERAL SUPPORT FOR THE MEDICAID PROGRAM.”	ADOPT

ORDER OF THE DAY

8. Advise and Consent

1	JGO	G.M. No. 167 “Submitting for consideration and confirmation to the Circuit Court of the First Circuit, State of Hawaii, Gubernatorial Nominee, ROM A. TRADER, for a term to expire in ten years.”
Testimony Status		

9. Miscellaneous Communications: None

10. Miscellaneous Business

11. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
EDT	1/23/2009 1:15 PM	016
WAM	1/23/2009 1:30 PM	211
EDH	1/26/2009 1:15 PM	225
HTH-ENE-EEP	1/26/2009 2:45 PM	016
EEP-ENE	1/27/2009 8:30 AM	325
HMS-HUS	1/27/2009 1:15 PM	016
HRE-HED	1/27/2009 1:15 PM	225
EDT-HRE	1/28/2009 1:30 PM	016

- Senate Session will convene at 9:00 a.m. on Monday, January 26, 2009.

12. Adjournment