

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

NINETEENTH DAY

FEBRUARY 19, 2009-THURSDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by The Reverend Bob Nakata
Kahaluu United Methodist Church

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 415-440

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 415	Submitting for consideration and confirmation to the Board of Massage Therapy, Gubernatorial Nominee, WENDEE J. WILSON, for a term to expire 6-30-2013.	CPN
G.M. No. 416	Submitting for consideration and confirmation to the Motor Vehicle Repair Industry Board, Gubernatorial Nominee, ROY M. SASUGA, for a term to expire 6-30-2010.	CPN
G.M. No. 417	Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Housing Finance and Development Corporation (HFD), Gubernatorial Nominee, BETTY LOU LARSON, for a term to expire 6-30-2013.	EDH

<u>G.M. No. 418</u>	Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Public Housing Authority (HPHA), Gubernatorial Nominee, CLARISSA P. HOSINO, for a term to expire 6-30-2013.	EDH
<u>G.M. No. 419</u>	Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Public Housing Authority (HPHA), Gubernatorial Nominee, KAULANA H.R. PARK, for a term to expire 6-30-2013.	EDH
<u>G.M. No. 420</u>	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.	EDT
<u>G.M. No. 421</u>	Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, JACQUELINE L. ROSSETTI, for a term to expire 6-30-2013.	EDT
<u>G.M. No. 422</u>	Submitting for consideration and confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, CHARLES K. H. AU, for a term to expire 6-30-2013.	EDT
<u>G.M. No. 423</u>	Submitting for consideration and confirmation to the Kaua'i Aquatic Life and Wildlife Advisory Committee, Gubernatorial Nominee, SEAN D. IGNE, for a term to expire 6-30-2013.	ENE
<u>G.M. No. 424</u>	Submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs (PABEA), Gubernatorial Nominee, MARTIN E. ARTHUR II, for a term to expire 6-30-2013.	HMS
<u>G.M. No. 425</u>	Submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs (PABEA), Gubernatorial Nominee, PATRICK J. DUARTE, for a term to expire 6-30-2013.	HMS

G.M. No. 426	Submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs (PABEA), Gubernatorial Nominee, GARY Y. FUJITANI, for a term to expire 6-30-2013.	HMS
G.M. No. 427	Submitting for consideration and confirmation to the Commission on Fatherhood, Gubernatorial Nominee, MICHAEL R. DIAS, for a term to expire 6-30-2011.	HMS
G.M. No. 428	Submitting for consideration and confirmation to the Commission on Fatherhood, Gubernatorial Nominee, MYRNA B. MURDOCH, for a term to expire 6-30-2011.	HMS
G.M. No. 429	Submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, Gubernatorial Nominee, JUNE S. LEE, for a term to expire 6-30-2012.	HRE
G.M. No. 430	Submitting for consideration and confirmation to the Drug Product Selection Board, Gubernatorial Nominee, VENKATARAMAN BALARAMAN, for a term to expire 6-30-2013.	HTH
G.M. No. 431	Submitting for consideration and confirmation to the State Highway Safety Council, Gubernatorial Nominee, EVAN K. CHING, for a term to expire 6-30-2013.	TIA
G.M. No. 432	Submitting for consideration and confirmation to the State Highway Safety Council, Gubernatorial Nominee, CHARLES M. HIRATA, for a term to expire 6-30-2013.	TIA
G.M. No. 433	Submitting for consideration and confirmation to the State Highway Safety Council, Gubernatorial Nominee, GEORGE L. KEKUNA, for a term to expire 6-30-2013.	TIA
G.M. No. 434	Submitting for consideration and confirmation to the State Highway Safety Council, Gubernatorial Nominee, MITCHELL S. NAKAGAWA, for a term to expire 6-30-2013.	TIA

G.M. No. 435	Submitting for consideration and confirmation to the Board of Directors of the Agribusiness Development Corporation, Gubernatorial Nominee, PAULA J. HEGELE, for a term to expire 6-30-2013.	WTL
G.M. No. 436	Submitting for consideration and confirmation to the Board of Land and Natural Resources, Gubernatorial Nominee, JERRY EDLAO, for a term to expire 6-30-2013.	WTL
G.M. No. 437	Submitting for consideration and confirmation to the Board of Land and Natural Resources, Gubernatorial Nominee, SAMUEL M. GON III, for a term to expire 6-30-2013.	WTL
G.M. No. 438	Submitting for consideration and confirmation to the Advisory Committee on Pesticides, Gubernatorial Nominee, WESLEY F. OTANI, for a term to expire 6-30-2013.	WTL
G.M. No. 439	Submitting for consideration and confirmation as Associate Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, MARK E. RECKTENWALD, for a term of ten years.	JGO
G.M. No. 440	Informing the Senate that on February 18, 2009, the Governor signed the following bill into law: HB302, HD1 (Act 001)	FILE

2. Departmental Communications: None
3. House Communications: None
4. Senate Communications: None
5. Judiciary Communications: None
6. Introduction of Measures

7. Standing Committee Report Nos. 141-213

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| 141 | (HMS) | S.B. No. 774, S.D. 1
"RELATING TO SCHOOLS."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 142 | (PSM) | S.B. No. 478, S.D. 1
"RELATING TO DISASTER RELIEF."
(Recommends passage on <u>SECOND READING</u> and referral to JGO) |
| 143 | (PSM) | S.B. No. 358, S.D. 1
"RELATING TO FIREARMS."
(Recommends passage on <u>SECOND READING</u> and referral to JGO) |
| 144 | (PSM) | S.B. No. 540, S.D. 1
"RELATING TO PUBLIC SAFETY."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 145 | (PSM) | S.B. No. 546, S.D. 1
"RELATING TO CORRECTIONS."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 146 | (PSM) | S.B. No. 970, S.D. 1
"RELATING TO COMMITTED PERSONS' ACCOUNTS."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |

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| 147 | (LBR) | S.B. No. 1664, S.D. 1
"RELATING TO EMPLOYMENT SECURITY."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 148 | (PSM) | S.B. No. 208
"RELATING TO PUBLIC SAFETY."
(Recommends passage on <u>SECOND READING</u> and referral to LBR) |
| 149 | (PSM) | S.B. No. 613
"MAKING AN APPROPRIATION FOR THE HAWAII CIVIL AIR PATROL."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 150 | (ENE/JGO) | S.B. No. 559, S.D. 1
"RELATING TO RECYCLING."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 151 | (ENE/JGO) | S.B. No. 553, S.D. 1
"RELATING TO ENERGY-EFFICIENT LIGHTING."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 152 | (HTH/HMS) | S.B. No. 821, S.D. 1
"RELATING TO ELDER CARE."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 153 | (HTH/HMS) | S.B. No. 818, S.D. 1
"RELATING TO HEALTH."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |

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| 154 | (LBR) | S.B. No. 947, S.D. 1
"RELATING TO UNEMPLOYMENT
CONTRIBUTION RATES."
(Recommends passage on <u>SECOND
READING</u> and referral to WAM) |
| 155 | (TSM) | S.B. No. 1272, S.D. 1
"RELATING TO TAXATION."
(Recommends passage on <u>SECOND
READING</u> and referral to WAM) |
| 156 | (WTL/TIA) | S.B. No. 1313, S.D. 1
"RELATING TO COMMUNITY
DEVELOPMENT."
(Recommends passage on <u>SECOND
READING</u> and referral to WAM) |
| 157 | (EDH) | S.B. No. 16, S.D. 1
"RELATING TO CRIMINAL HISTORY
RECORD CHECKS."
(Recommends passage on <u>SECOND
READING</u> and referral to JGO) |
| 158 | (EDH) | S.B. No. 145, S.D. 1
"RELATING TO EDUCATION."
(Recommends passage on <u>SECOND
READING</u> and referral to WAM) |
| 159 | (EDH) | S.B. No. 439, S.D. 1
"RELATING TO THE HAWAII PUBLIC
HOUSING AUTHORITY."
(Recommends passage on <u>SECOND
READING</u> and referral to JGO) |

- [160](#) (EDH) [S.B. No. 445, S.D. 1](#)
"RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY."
(Recommends passage on SECOND READING and referral to JGO)
- [161](#) (EDH) [S.B. No. 497, S.D. 1](#)
"RELATING TO THE HAWAII TEACHER STANDARDS BOARD."
(Recommends passage on SECOND READING and referral to WAM)
- [162](#) (EDH) [S.B. No. 753, S.D. 1](#)
"RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY."
(Recommends passage on SECOND READING and referral to WAM)
- [163](#) (EDH) [S.B. No. 758, S.D. 1](#)
"RELATING TO AFFORDABLE HOUSING."
(Recommends passage on SECOND READING and referral to TIA)
- [164](#) (EDH) [S.B. No. 1160, S.D. 1](#)
"RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY."
(Recommends passage on SECOND READING and referral to WAM)
- [165](#) (EDH) [S.B. No. 1221, S.D. 1](#)
"RELATING TO PUBLIC HOUSING."
(Recommends passage on SECOND READING and referral to JGO)

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| <u>166</u> | (EDH/PSM) | <u>S.B. No. 1164, S.D. 1</u>
"RELATING TO INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| <u>167</u> | (EDH) | <u>S.B. No. 535</u>
"RELATING TO INTOXICATING LIQUOR."
(Recommends passage on <u>SECOND READING</u> and referral to JGO) |
| <u>168</u> | (EDH) | <u>S.B. No. 734</u>
"RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| <u>169</u> | (EDH) | <u>S.B. No. 746</u>
"RELATING TO EDUCATION."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| <u>170</u> | (EDH) | <u>S.B. No. 797</u>
"MAKING AN APPROPRIATION FOR ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE COURSES AT PUBLIC HIGH SCHOOLS STATEWIDE."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| <u>171</u> | (EDH) | <u>S.B. No. 798</u>
"RELATING TO THE BOARD OF EDUCATION."
(Recommends passage on <u>SECOND READING</u> and referral to JGO) |

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| 172 | (EDH) | S.B. No. 799
"PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO CLARIFY THE SELECTION OF THE STUDENT MEMBER OF THE BOARD OF EDUCATION."
(Recommends passage on <u>SECOND READING</u> and referral to JGO) |
| 173 | (EDH) | S.B. No. 802
"RELATING TO SCHOOLS."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 174 | (EDH) | S.B. No. 1294
"RELATING TO PUBLIC HOUSING."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 175 | (EDH) | S.B. No. 1300
"RELATING TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 176 | (EDH/ENE) | S.B. No. 807
"RELATING TO THE ENVIRONMENT."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |

[177](#)
(One Day Notice)

(WTL/JGO)

[S.C.R. No. 40](#)

"URGING THE GOVERNOR AND THE ATTORNEY GENERAL TO WITHDRAW THE APPEAL TO THE UNITED STATES SUPREME COURT OF THE HAWAII STATE SUPREME COURT DECISION, OFFICE OF HAWAIIAN AFFAIRS V. HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII, 117 HAWAII 174 (2008)."
(Recommends Adoption)

[178](#)
(One Day Notice)

(WTL/JGO)

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

"URGING THE GOVERNOR AND THE ATTORNEY GENERAL TO WITHDRAW THE APPEAL TO THE UNITED STATES SUPREME COURT OF THE HAWAII STATE SUPREME COURT DECISION, OFFICE OF HAWAIIAN AFFAIRS V. HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII, 117 HAWAII 174 (2008)."
(Recommends Adoption)

[179](#)
(One Day Notice)

(CPN)

[S.B. No. 426](#)

"RELATING TO DENTISTRY."
(Recommends passage on SECOND READING and placement on the calendar for Third Reading)

[180](#)
(48 Hrs. Notice)

(CPN)

[S.B. No. 55, S.D. 1](#)

"RELATING TO PUBLIC ACCOUNTANCY."
(Recommends passage on SECOND READING and placement on the calendar for Third Reading)

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| <u>181</u>
(48 Hrs. Notice) | (CPN) | <u>S.B. No. 34, S.D. 1</u>
"RELATING TO THE MORTGAGE
RESCUE FRAUD PREVENTION ACT."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and placement on the calendar for
Third Reading) |
| <u>182</u>
(48 Hrs. Notice) | (TIA) | <u>S.B. No. 714, S.D. 1</u>
"RELATING TO HIGH OCCUPANCY
VEHICLE LANES."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and placement on the calendar for
Third Reading) |
| <u>183</u> | (EDH) | <u>S.B. No. 645, S.D. 1</u>
"RELATING TO KAKAAKO."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and referral to WTL) |
| <u>184</u> | (EDH) | <u>S.B. No. 205, S.D. 1</u>
"RELATING TO OWNER-BUILDERS."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and referral to CPN) |
| <u>185</u> | (EDH) | <u>S.B. No. 1249, S.D. 1</u>
"RELATING TO TEACHERS."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and referral to WAM) |
| <u>186</u> | (EDH/LBR) | <u>S.B. No. 747, S.D. 1</u>
"RELATING TO WORKFORCE
DEVELOPMENT."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and referral to WAM) |

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| 187 | (EDH/TIA) | S.B. No. 737, S.D. 1
"RELATING TO HOUSING."
(Recommends passage on <u>SECOND READING</u> and referral to WTL) |
| 188 | (TIA/EDH) | S.B. No. 740, S.D. 1
"RELATING TO HOUSING."
(Recommends passage on <u>SECOND READING</u> and referral to WTL) |
| 189 | (ENE) | S.B. No. 584, S.D. 1
"RELATING TO SOLID WASTE."
(Recommends passage on <u>SECOND READING</u> and referral to JGO) |
| 190 | (ENE) | S.B. No. 709, S.D. 1
"RELATING TO AGRICULTURE."
(Recommends passage on <u>SECOND READING</u> and referral to WTL) |
| 191 | (ENE) | S.B. No. 1675, S.D. 1
"RELATING TO RENEWABLE ENERGY."
(Recommends passage on <u>SECOND READING</u> and referral to CPN) |
| 192 | (ENE) | S.B. No. 1185, S.D. 1
"RELATING TO A TAX CREDIT FOR THE PURCHASE OF ELECTRIC VEHICLES."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 193 | (ENE) | S.B. No. 239, S.D. 1
"RELATING TO GENETICALLY ENGINEERED PLANTS."
(Recommends passage on <u>SECOND READING</u> and referral to WTL) |

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| 194 | (JGO) | S.B. No. 118, S.D. 1
"RELATING TO TAXATION."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 195 | (JGO) | S.B. No. 1343, S.D. 1
"RELATING TO FEES AND OTHER ASSESSMENTS."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 196 | (JGO) | S.B. No. 1105, S.D. 1
"RELATING TO LEGISLATIVE HEARINGS AND PROCEDURES."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 197 | (JGO) | S.B. No. 1103, S.D. 1
"RELATING TO EFFECTIVE LEGISLATION."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 198 | (LBR) | S.B. No. 1181, S.D. 1
"RELATING TO LABOR."
(Recommends passage on <u>SECOND READING</u> and referral to JGO) |
| 199 | (LBR/HMS) | S.B. No. 1203, S.D. 1
"RELATING TO COMMUNITY SERVICE."
(Recommends passage on <u>SECOND READING</u> and referral to JGO) |
| 200 | (LBR/TIA) | S.B. No. 690, S.D. 1
"RELATING TO INTERGOVERNMENTAL MOVEMENTS."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |

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| 201 | (WTL/PSM) | S.B. No. 1315, S.D. 1
"RELATING TO CONSERVATION AND
RESOURCES ENFORCEMENT
PROGRAM."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and referral to WAM) |
| 202 | (WTL) | S.B. No. 1116, S.D. 1
"RELATING TO AGRICULTURE."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and referral to WAM) |
| 203 | (WTL) | S.B. No. 1228, S.D. 1
"RELATING TO STATE SMALL BOAT
HARBORS."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and referral to WAM) |
| 204 | (EDH/WTL) | S.B. No. 729
"RELATING TO RENTAL HOUSING."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and referral to WAM) |
| 205 | (ENE) | S.B. No. 1260
"RELATING TO AIR POLLUTION FEES."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and referral to WAM) |
| 206 | (ENE) | S.B. No. 1671
"RELATING TO FOSSIL FUELS."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and referral to CPN) |

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| 207 | (ENE/EDT) | S.B. No. 1066, S.D. 1
"RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 208 | (ENE/EDT) | S.B. No. 1303, S.D. 1
"RELATING TO ENERGY INDEPENDENCE."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 209 | (ENE/EDT) | S.B. No. 1065, S.D. 1
"RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY."
(Recommends passage on <u>SECOND READING</u> and referral to CPN) |
| 210 | (EDT) | S.B. No. 1678, S.D. 1
"RELATING TO TAXATION."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 211
(48 Hrs. Notice) | (WTL) | S.B. No. 639, S.D. 1
"RELATING TO PUBLIC LANDS."
(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading) |
| 212 | (EDT) | S.B. No. 1299, S.D. 1
"RELATING TO ADVANCED FLIGHT SIMULATOR TRAINING."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |

213

(TIA/CPN)

S.B. No. 1611, S.D. 1

"RELATING TO HIGHWAYS."

(Recommends passage on SECOND
READING and referral to WAM)

ORDER OF THE DAY

8. Miscellaneous Communications: None
 9. Miscellaneous Business
 10. Announcements
- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
PSM/HMS	2/19/2009 1:00 PM	229
ENE/HMS	2/19/2009 1:15 PM	016
HMS	2/19/2009 1:15 PM	016
LBR/HMS	2/19/2009 1:15 PM	016
PSM	2/19/2009 1:15 PM	229
EDH/LBR	2/19/2009 2:45 PM	224
ENE	2/19/2009 2:45 PM	225
ENE/TIA	2/19/2009 2:45 PM	225
HTH/LBR	2/19/2009 2:45 PM	224
LBR	2/19/2009 2:45 PM	224
LBR/HMS	2/19/2009 2:45 PM	224
TSM	2/19/2009 2:45 PM	229
EDH/HTH	2/23/2009 1:15 PM	225
EDH/HMS	2/23/2009 1:30 PM	225
EDH	2/23/2009 1:35 PM	225
HTH/ENE	2/23/2009 2:45 PM	016
WTL	2/23/2009 2:45 PM	229
HTH/CPN	2/23/2009 3:00 PM	016
EDT	2/25/2009 1:15 PM	016
TIA	2/25/2009 1:15 PM	224

- Senate Session will convene at 11:30 a.m. on Friday, February 20, 2009.

11. Adjournment