

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

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FORTY-THIRD DAY

APRIL 7, 2009-TUESDAY-11:30 O'CLOCK A.M.

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ORDER OF BUSINESS

Invocation by George Grey  
Office of Senator Donna Mercado Kim

Roll Call

Approval of the Journal

Introductions

- Floor Presentation:

COMMENDING AND CONGRATULATING THE UNITED FILIPINO COUNCIL OF  
HAWAII. (Senator Espero)

1. Messages from the Governor: No. 598

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<a href="#">G.M. No. 598</a>	Dated April 6, 2009, transmitting the Revised 7-year TANF Financial Plan that was updated due to new developments, prepared by the Department of Human Services.	FILE

2. Departmental Communications: None

3. House Communication Nos. 381-390

Returning the following Senate Bills which passed Third Reading in the House on April 6, 2009, in an amended form:

REFERRAL

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

Informing the Senate that on April 6, 2009, the following House Concurrent Resolutions were adopted in the House:

- |     |   |  |
|-----|---|--|
| 386 | <a href="#">H.C.R. No. 56</a><br>"REQUESTING THE CONGRESS OF THE UNITED STATES 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) |  |
|-----|---|--|

- 387      [H.C.R. No. 57](#)  
"URGING THE ADOPTION OF THE UNITED NATIONS MILLENNIUM DEVELOPMENT GOALS."(United Nation's Millennium Goals)
- 388      [H.C.R. No. 58, H.D. 2](#)  
"REQUESTING THE UNIVERSITY OF HAWAII COLLEGE OF EDUCATION TO UNDERTAKE EFFORTS TO INTEGRATE ADDITIONAL INTERNATIONAL AFFAIRS AND GLOBAL EDUCATION COURSEWORK INTO ITS CURRICULUM."(Global Perspectives; Integration in UH College of Education)
- 389      [H.C.R. No. 60](#)  
"REQUESTING THE UNIVERSITY OF HAWAII AT MANOA, COLLEGE OF SOCIAL SCIENCES, PUBLIC POLICY CENTER AND SPARK M. MATSUNAGA INSTITUTE FOR PEACE AND CONFLICT RESOLUTION TO CONVENE A WORKING GROUP TO EXPLORE THE SAFE USE OF HUNTING DOGS ON PUBLIC HIKING TRAILS."(Hunting Dogs; Public Hiking Trails)
- 390      [H.C.R. No. 224, H.D. 1](#)  
"DECLARING APRIL 24 AS A DAY OF REMEMBRANCE IN RECOGNITION AND COMMEMORATION OF THE ARMENIAN GENOCIDE OF 1915."(Recognizing the Armenian Genocide Of 1915)

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

6. Standing Committee Report Nos. 1176-1185

[1176](#) (WAM)  
(One Day Notice)

[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."

(Recommends Senate Consent to Nomination)

[1177](#) (WAM)  
(One Day Notice)

[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."

(Recommends Senate Consent to Nomination)

[1178](#) (WAM)  
(One Day Notice)

[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."

(Recommends Senate Consent to Nomination)

[1179](#) (WTL)  
(One Day Notice)

[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."

(Recommends Senate Consent to Nomination)

[1180](#) (LBR)  
(One Day Notice)

[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."

(Recommends Adoption)

[1181](#) (LBR)  
(One Day Notice)

[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."

(Recommends Adoption)

[1182](#) (LBR)  
(One Day Notice)

[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."

(Recommends Adoption)

[1183](#)  
(One Day Notice)

(LBR)

[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."

(Recommends Adoption)

[1184](#)  
(48 Hrs. Notice)

(CPN)

[H.B. No. 591, H.D. 1, S.D. 2](#)

"RELATING TO PUBLIC UTILITIES."  
(Recommends passage on THIRD READING)

[1185](#)  
(One Day Notice)

(WTL)

[H.B. No. 1436, H.D. 1, S.D. 1](#)

"RELATING TO AGRICULTURE."  
(Recommends passage on THIRD READING)

#### ORDER OF THE DAY

#### 7. Deferred Matters – Agree/Disagree

HSE. COM. NO.

REFERRAL

378

[S.B. No. 1065, S.D. 2, H.D. 1](#)

"RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY."(NELHA; Renewable Energy)

AGREE/DISAGREE

8. Advise and Consent

<a href="#">1169</a>	CPN	<a href="#">G.M. No. 492</a> "Submitting for consideration and confirmation to the State Board of Public Accountancy, Gubernatorial Nominee, STEVEN R. OBERG CPA, for a term to expire 6-30-2010."
<a href="#">Testimony Status</a>		
<a href="#">1170</a>	CPN	<a href="#">G.M. No. 461</a> "Submitting for consideration and confirmation to the Board of Examiners in Naturopathy, Gubernatorial Nominee, KEVIN R. GIBSON, for a term to expire 6-30-2012."
<a href="#">Testimony Status</a>		
<a href="#">1171</a>	CPN	<a href="#">G.M. No. 462</a> "Submitting for consideration and confirmation to the State Board of Nursing, Gubernatorial Nominee, JAEDA R. ELVENIA, for a term to expire 6-30-2012."
<a href="#">Testimony Status</a>		
<a href="#">1172</a>	CPN	<a href="#">G.M. No. 463</a> "Submitting for consideration and confirmation to the Real Estate Commission, Gubernatorial Nominee, WALTER L. HARVEY III, for a term to expire 6-30-2013."
<a href="#">Testimony Status</a>		
<a href="#">1172</a>	CPN	<a href="#">G.M. No. 464</a> "Submitting for consideration and confirmation to the Real Estate Commission, Gubernatorial Nominee, STANLEY M. KURIYAMA, for a term to expire 6-30-2013."
<a href="#">Testimony Status</a>		

<a href="#">1173</a>	CPN	<a href="#">G.M. No. 518</a>
<a href="#">Testimony</a> <a href="#">Status</a>		"Submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, Gubernatorial Nominee, RICHARD J.Y. LOUIS, for a term to expire 6-30-2012."

9. Adopt Resolutions

<a href="#">1156</a>	HRE/WTL/EDH	<a href="#">S.C.R. No. 121, S.D. 1</a>
<a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>		"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."

<a href="#">1157</a>	EDH/WTL	<a href="#">S.C.R. No. 87, S.D. 1</a>
<a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>		"URGING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO CONVENE A TASK FORCE TO REVIEW STATE AND COUNTY AFFORDABLE HOUSING APPROVAL REQUIREMENTS AND PROCEDURES."

<a href="#">1158</a>	CPN	<a href="#">S.C.R. No. 69, S.D. 1</a>
<a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>		"ENCOURAGING THE UNITED STATES CONGRESS TO ENACT LEGISLATION REGULATING THE SALE AND MARKETING OF TOBACCO PRODUCTS." (AMENDED TITLE)



<a href="#">1159</a>	HTH	<a href="#">S.C.R. No. 56, S.D. 1</a> "REQUESTING THE DEPARTMENT OF HEALTH TO INCREASE EDUCATIONAL EFFORTS TO PREVENT AND ERADICATE CERVICAL CANCER."
<a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>		
<a href="#">1160</a>	HTH	<a href="#">S.C.R. No. 102, S.D. 1</a> "ENSURING THAT ANY LEGISLATIVE EFFORT TO REPAIR THE HEALTHCARE SYSTEM IN HAWAII SHOULD INCORPORATE SUSTAINABLE WELLNESS PROGRAMS THAT ADDRESS THE UNDERLYING CAUSAL FACTORS ASSOCIATED WITH CHRONIC DISEASE."
<a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>		
<a href="#">1161</a>	HTH	<a href="#">S.C.R. No. 57, S.D. 1</a> "URGING THE DEPARTMENT OF HEALTH TO MAKE IT A PRIORITY TO EDUCATE THE PUBLIC ON THE PROPER CLEANING OF PRODUCE."
<a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>		
<a href="#">1162</a>	HTH	<a href="#">S.C.R. No. 77, S.D. 1</a> "PAYING TRIBUTE TO REPRESENTATIVE ROBERT H. "BOB" NAKASONE AND HIS LEGACY BY NAMING ONE OF THE MAUI MEDICAL FACILITIES IN HIS HONOR." (AMENDED TITLE)
<a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>		
<a href="#">1163</a>	HTH	<a href="#">S.C.R. No. 63, S.D. 1</a> "URGING ALL HOSPITAL EMERGENCY ROOMS IN THE STATE TO PROVIDE EMERGENCY CONTRACEPTION ON DEMAND TO VICTIMS OF SEXUAL ASSAULT OR RAPE."
<a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>		

<a href="#">1164</a> <a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>	HTH	<a href="#">S.R. No. 37, S.D. 1</a> "URGING ALL HOSPITAL EMERGENCY ROOMS IN THE STATE TO PROVIDE EMERGENCY CONTRACEPTION ON DEMAND TO VICTIMS OF SEXUAL ASSAULT OR RAPE."
<a href="#">1165</a> <a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>	WTL	<a href="#">S.C.R. No. 38, S.D. 1</a> "URGING THE DEVELOPMENT OF A PLAN FOR INCREASING AID AND ASSISTANCE TO ORGANIC FARMERS."
<a href="#">1166</a> <a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>	WTL	<a href="#">S.R. No. 22, S.D. 1</a> "URGING THE DEVELOPMENT OF A PLAN FOR INCREASING AID AND ASSISTANCE TO ORGANIC FARMERS."
<a href="#">1167</a> <a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>	WTL	<a href="#">S.C.R. No. 37</a> "REQUESTING THE DEVELOPMENT OF A PLAN FOR A STATE ORGANIC PROGRAM TO UNIFY THE STATE'S ORGANIC CERTIFICATION PRACTICES AND PROGRAMS."
<a href="#">1168</a> <a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>	WTL	<a href="#">S.R. No. 21</a> "REQUESTING THE DEVELOPMENT OF A PLAN FOR A STATE ORGANIC PROGRAM TO UNIFY THE STATE'S ORGANIC CERTIFICATION PRACTICES AND PROGRAMS."

10. Miscellaneous Communications: None

11. Miscellaneous Business

12. Announcements

- Floor Presentation for Wednesday, April 8, 2009:

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)

- Committee Hearing Schedule:

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

- Senate Session will convene at 11:30 a.m. on Wednesday, April 8, 2009.

13. Adjournment