

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

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FORTY-FIFTH DAY

APRIL 9, 2009-THURSDAY-11:30 O'CLOCK A.M.

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ORDER OF BUSINESS

Invocation by Reverend David Hirano  
Waipahu United Church of Christ

Roll Call

Approval of the Journal

Introductions

- Floor Presentation:

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)

1. Messages from the Governor: None
2. Departmental Communications: None
3. House Communication Nos. 395-401

Informing the Senate that on April 8, 2009, the  
following House Concurrent Resolutions were  
adopted in the House:

REFERRAL

395

[H.C.R. No. 41](#)

"REQUESTING A SUNRISE ANALYSIS OF  
LOCKSMITHS."(Locksmiths; Licensing)

- 396      [H.C.R. No. 65, H.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)
- 397      [H.C.R. No. 123](#)  
"URGING NONPROFIT ORGANIZATIONS  
AND COMMUNITY GROUPS TO  
ESTABLISH SAFETY PROCEDURES FOR  
ROADSIDE SOLICITATION OF FUNDS AND  
DONATED GOODS."(Highway Safety;  
Roadside Solicitation)
- 398      [H.C.R. No. 254, H.D. 1](#)  
"REQUESTING THE STATE TO RECOGNIZE  
THE HISTORICAL SIGNIFICANCE OF THE  
FALLS OF CLYDE AS A SAILING JEWEL OF  
HAWAII."(Falls of Clyde; historic jewel of  
Hawaii)
- 399      [H.C.R. No. 287, H.D. 1](#)  
"REQUESTING THE LEGISLATIVE  
REFERENCE BUREAU TO GATHER AND  
COMPILE INFORMATION ON DAYLIGHT  
SAVINGS AND ITS EFFECT ON CLIMATE  
CHANGE AND ENERGY-USE  
REDUCTION."(Daylight Savings Time)

Returning the following Senate Bill which passed  
Third Reading in the House on April 8, 2009, in  
an amended form:

- 400      [S.B. No. 113, H.D. 1](#)  
"RELATING TO DENTISTS."(Dentists; False  
Advertising)

AGREE/DISAGREE

Returning the following Senate Bill which passed  
Third Reading in the House on April 8, 2009:

401	<a href="#">S.B. No. 1676, S.D. 2</a> "RELATING TO HEALTH."(Telehealth; Medicine and Surgery; Expansion of Services)	FILE
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4. Senate Communications: None
5. Judiciary Communications: None
6. Standing Committee Report Nos. 1188-1225

<a href="#">1188</a> (48 Hrs. Notice)	(CPN)	<a href="#">H.B. No. 1070, S.D. 1</a> "RELATING TO THE CODE OF FINANCIAL INSTITUTIONS." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
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<a href="#">1189</a> (48 Hrs. Notice)	(HTH/EDH)	<a href="#">H.B. No. 1538, H.D. 1, S.D. 1</a> "RELATING TO ENVIRONMENTALLY- SENSITIVE PRODUCTS." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
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<a href="#">1190</a> (48 Hrs. Notice)	(HTH/ENE)	<a href="#">H.B. No. 834, H.D. 2, S.D. 1</a> "RELATING TO WATER QUALITY STANDARDS." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
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[1191](#)  
(48 Hrs. Notice)

(JGO)

[H.B. No. 1212, H.D. 1, S.D. 1](#)  
"RELATING TO INFORMATION  
PRACTICES."  
(Recommends passage on SECOND  
READING and placement on the calendar for  
Third Reading)

[1192](#)  
(48 Hrs. Notice)

(LBR/HMS)

[H.B. No. 332, H.D. 2, S.D. 1](#)  
"RELATING TO EMPLOYMENT  
SECURITY."  
(Recommends passage on SECOND  
READING and placement on the calendar for  
Third Reading)

[1193](#)  
(48 Hrs. Notice)

(WAM)

[H.B. No. 34, S.D. 1](#)  
"RELATING TO STATE BONDS."  
(Recommends passage on SECOND  
READING and placement on the calendar for  
Third Reading)

[1194](#)  
(48 Hrs. Notice)

(WAM)

[H.B. No. 35, H.D. 1, S.D. 1](#)  
"RELATING TO INCOME TAX CREDIT."  
(Recommends passage on SECOND  
READING and placement on the calendar for  
Third Reading)

[1195](#)  
(48 Hrs. Notice)

(WAM)

[H.B. No. 573, H.D. 1, S.D. 1](#)  
"RELATING TO EMERGENCY AND  
BUDGET RESERVE FUND."  
(Recommends passage on SECOND  
READING and placement on the calendar for  
Third Reading)

[1196](#)  
(48 Hrs. Notice)

(WAM)

[H.B. No. 1495, H.D. 1, S.D. 1](#)  
"RELATING TO STATE INCOME TAX."  
(Recommends passage on SECOND  
READING and placement on the calendar for  
Third Reading)

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| <a href="#">1197</a><br>(48 Hrs. Notice) | (WAM) | <a href="#">H.B. No. 1544, H.D. 1, S.D. 1</a><br>"RELATING TO TAX EXEMPTIONS."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and placement on the calendar for<br>Third Reading)                      |
| <a href="#">1198</a><br>(48 Hrs. Notice) | (WAM) | <a href="#">H.B. No. 1550, H.D. 2, S.D. 1</a><br>"RELATING TO TAXATION."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and placement on the calendar for<br>Third Reading)                            |
| <a href="#">1199</a><br>(48 Hrs. Notice) | (WAM) | <a href="#">H.B. No. 1744, H.D. 1, S.D. 1</a><br>"RELATING TO THE TRANSIENT<br>ACCOMMODATIONS TAX."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and placement on the calendar for<br>Third Reading) |
| <a href="#">1200</a><br>(48 Hrs. Notice) | (WAM) | <a href="#">H.B. No. 1747, H.D. 1, S.D. 1</a><br>"RELATING TO TAXATION."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and placement on the calendar for<br>Third Reading)                            |
| <a href="#">1201</a><br>(48 Hrs. Notice) | (HMS) | <a href="#">H.B. No. 813, H.D. 1, S.D. 1</a><br>"RELATING TO LANGUAGE ACCESS."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and placement on the calendar for<br>Third Reading)                      |
| <a href="#">1202</a><br>(48 Hrs. Notice) | (JGO) | <a href="#">H.B. No. 349, H.D. 1, S.D. 1</a><br>"RELATING TO THE HAWAII RULES OF<br>EVIDENCE."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and placement on the calendar for<br>Third Reading)      |

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| <a href="#">1203</a><br>(48 Hrs. Notice) | (WAM)         | <a href="#">H.B. No. 39, H.D. 2, S.D. 1</a><br>"RELATING TO STATE REVENUES."<br>(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)                   |
| <a href="#">1204</a><br>(48 Hrs. Notice) | (WAM)         | <a href="#">H.B. No. 1605, H.D. 1, S.D. 1</a><br>"RELATING TO TAXATION."<br>(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)                       |
| <a href="#">1205</a><br>(48 Hrs. Notice) | (ENE/EDT)     | <a href="#">H.B. No. 1272, H.D. 1, S.D. 1</a><br>"RELATING TO ELECTRONIC WASTE RECYCLING."<br>(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)     |
| <a href="#">1206</a><br>(48 Hrs. Notice) | (ENE/CPN/JGO) | <a href="#">H.B. No. 1809, H.D. 2, S.D. 1</a><br>"RELATING TO RECYCLING."<br>(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)                      |
| <a href="#">1207</a><br>(48 Hrs. Notice) | (JGO)         | <a href="#">H.B. No. 1470, H.D. 1, S.D. 1</a><br>"RELATING TO HAWAII PUBLIC PROCUREMENT CODE."<br>(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading) |
| <a href="#">1208</a><br>(48 Hrs. Notice) | (JGO)         | <a href="#">H.B. No. 1512, H.D. 1, S.D. 1</a><br>"RELATING TO TEMPORARY RESTRAINING ORDERS."<br>(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)   |

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| <a href="#"><u>1209</u></a><br>(48 Hrs. Notice) | (WTL)     | <a href="#"><u>H.B. No. 1351, H.D. 2, S.D. 1</u></a><br>"RELATING TO PRIVATE<br>AGRICULTURAL PARKS."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and placement on the calendar for<br>Third Reading)  |
| <a href="#"><u>1210</u></a><br>(48 Hrs. Notice) | (TSM/WAM) | <a href="#"><u>H.B. No. 754, H.D. 1, S.D. 1</u></a><br>"RELATING TO THE HAWAII TOURISM<br>AUTHORITY."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and placement on the calendar for<br>Third Reading) |
| <a href="#"><u>1211</u></a><br>(48 Hrs. Notice) | (WAM)     | <a href="#"><u>H.B. No. 1364, H.D. 1, S.D. 1</u></a><br>"RELATING TO THE BUDGET."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and placement on the calendar for<br>Third Reading)                     |
| <a href="#"><u>1212</u></a><br>(48 Hrs. Notice) | (WAM)     | <a href="#"><u>H.B. No. 1739, H.D. 1, S.D. 1</u></a><br>"RELATING TO TAXATION."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and placement on the calendar for<br>Third Reading)                       |
| <a href="#"><u>1213</u></a><br>(48 Hrs. Notice) | (WAM)     | <a href="#"><u>H.B. No. 1741, H.D. 1, S.D. 1</u></a><br>"RELATING TO THE CONVEYANCE<br>TAX."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and placement on the calendar for<br>Third Reading)          |

[1214](#)  
(48 Hrs. Notice)

(JGO)

[H.B. No. 730, H.D. 1, S.D. 1](#)  
"RELATING TO CRUELTY TO  
ANIMALS."  
(Recommends passage on SECOND  
READING and placement on the calendar for  
Third Reading)

[1215](#)  
(One Day Notice)

(EDT)

[H.B. No. 135](#)  
"RELATING TO THE STATE INSECT."  
(Recommends passage on SECOND  
READING and placement on the calendar for  
Third Reading)

[1216](#)  
(One Day Notice)

(EDT)

[H.B. No. 274](#)  
"RELATING TO PATRIOT DAY."  
(Recommends passage on SECOND  
READING and placement on the calendar for  
Third Reading)

[1217](#)  
(One Day Notice)

(JGO)

[H.B. No. 293, H.D. 1](#)  
"RELATING TO PROTECTIVE  
PROCEEDINGS."  
(Recommends passage on SECOND  
READING and placement on the calendar for  
Third Reading)

[1218](#)  
(One Day Notice)

(JGO)

[H.B. No. 294, H.D. 1](#)  
"RELATING TO PERSONAL LIABILITY  
OF TRUSTEE TO THIRD PARTIES."  
(Recommends passage on SECOND  
READING and placement on the calendar for  
Third Reading)

[1219](#)  
(One Day Notice)

(JGO)

[H.B. No. 1148, H.D. 1](#)  
"RELATING TO PUBLIC AGENCY  
MEETINGS."  
(Recommends passage on SECOND  
READING and placement on the calendar for  
Third Reading)



<a href="#"><u>1220</u></a> (48 Hrs. Notice)	(WAM/JGO)	<a href="#"><u>H.B. No. 1260, H.D. 1, S.D. 1</u></a> "RELATING TO GOVERNMENT." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
<a href="#"><u>1221</u></a> (48 Hrs. Notice)	(JGO/WAM)	<a href="#"><u>H.B. No. 1536, H.D. 2, S.D. 1</u></a> "RELATING TO SALARIES." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
<a href="#"><u>1222</u></a> (48 Hrs. Notice)	(JGO)	<a href="#"><u>H.B. No. 128, H.D. 1, S.D. 1</u></a> "RELATING TO ELECTIONS." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
<a href="#"><u>1223</u></a> (48 Hrs. Notice)	(LBR)	<a href="#"><u>H.B. No. 31, S.D. 1</u></a> "RELATING TO EMPLOYMENT PRACTICES." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
<a href="#"><u>1224</u></a> (48 Hrs. Notice)	(WAM)	<a href="#"><u>H.B. No. 200, H.D. 1, S.D. 1</u></a> "RELATING TO THE STATE BUDGET." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
<a href="#"><u>1225</u></a> (48 Hrs. Notice)	(WAM)	<a href="#"><u>H.B. No. 1600, H.D. 1, S.D. 1</u></a> "RELATING TO THE GENERAL EXCISE TAX." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)

ORDER OF THE DAY

7. Deferred Matters – Agree/Disagree

<u>HSE. COM. NO.</u>		<u>REFERRAL</u>
392	<a href="#">S.B. No. 886, S.D. 1, H.D. 1</a> "RELATING TO BUSINESS REGISTRATION."(Business Registration)	AGREE/DISAGREE
393	<a href="#">S.B. No. 1055, H.D. 1</a> "RELATING TO HARBORS."(Harbors; Rules)	AGREE/DISAGREE
394	<a href="#">S.C.R. No. 47, S.D. 1, H.D. 1</a> "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

8. Adopt Resolutions

<a href="#">1186</a>	ENE	<a href="#">S.C.R. No. 89, S.D. 1</a> "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."
<a href="#">Testimony Prior Versions Status</a>		
<a href="#">1187</a>	ENE	<a href="#">S.R. No. 55, S.D. 1</a> "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."
<a href="#">Testimony Prior Versions Status</a>		

9. Third Reading

[Stand. Com. Rep. No. 1184](#)

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

"RELATING TO PUBLIC UTILITIES." -  
(CPN)

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

(Renewable Energy; Agricultural Activities;  
Preferential Rates)

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

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

"RELATING TO TARO SECURITY." -  
(ENE)

(Genetically Modified Taro; Prohibition)

10. Miscellaneous Communications: None

11. Miscellaneous Business

Reconsideration of Disagreement to House Amendments; One Day Notice for Final Reading

[S.B. No. 715, H.D. 1](#)

TIA

"RELATING TO TRANSPORTATION."  
(Highways; Counties)

12. Announcements

• Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE &amp; TIME</u>	<u>ROOM</u>
HRE	4/9/2009 1:15 PM	225
LBR	4/9/2009 2:45 PM	224
ENE	4/9/2009 3:00 PM	225
EDT	4/15/2009 1:15 PM	016
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
CPN	4/17/2009 9:00 AM	229

- Senate Session will convene at 9:30 a.m. on Tuesday, April 14, 2009.

### 13. Adjournment