# THE SENATE OF THE TWENTY-FIFTH LEGISLATURE STATE OF HAWAI'I REGULAR SESSION OF 2009

# FIFTY-FIFTH DAY

## APRIL 28, 2009-TUESDAY-11:30 O'CLOCK A.M.

## **ORDER OF BUSINESS**

Invocation by Father Jack Ryan
St. John the Baptist Church

Roll Call

Approval of the Journal

#### Introductions

- 1. Messages from the Governor: None
- 2. Departmental Communication No. 70

<u>MEASURE</u>	TITLE	REFERRAL
D.C. No. 70	From the City and County of Honolulu, Office of the City Clerk, dated April 22, 2009, transmitting Resolution No. 09-79, urging the Hawaii State Legislature to support legislation to control noise, which was adopted on April 22, 2009.	FILE

# 3. House Communication Nos. 682-705

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	Informing the Senate that on April 27, 2009, the House appointed Conferees to the following bill:	<u>REFERRAL</u>
682	H.B. No. 1031, S.D. 3 "RELATING TO CHAPTER 480, HAWAII REVISED STATUTES."	FILE
	Herkes/B. Oshiro/M. Oshiro, Co-Chrs.; Marumoto	
	Informing the Senate that on April 27, 2009, the following bill passed Final Reading in the House:	
683	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)	FILE
	S.B. No. 603, S.D. 1, H.D. 1, C.D. 1 "RELATING TO PUBLIC UTILITIES."(Public Utilities; Local Exchange Intrastate Service; Competition)	
	Returning the following Senate Concurrent Resolutions which were adopted by the House on April 27, 2009, in an amended form:	
684	S.C.R. No. 30, H.D. 1  "REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY ON CONVERTING HARD COVER TEXT BOOKS TO E-BOOKS FOR USE IN PUBLIC SCHOOLS."(DOE; E-books; Feasibility Study)	AGREE/DISAGREE
685	S.C.R. No. 38, S.D. 1, H.D. 1 "URGING THE DEVELOPMENT OF A PLAN FOR INCREASING AID AND ASSISTANCE TO CERTIFIED ORGANIC FARMERS."(Organic Farming)	AGREE/DISAGREE

686 <u>S.C.R. No. 188, S.D. 2, H.D. 1</u>

AGREE/DISAGREE

"REQUESTING THE GOVERNOR TO
ACCEPT THE RECOMMENDATIONS OF
THE WORKING GROUP FORMED BY
HAWAII'S CONGRESSIONAL DELEGATION
TO DETERMINE THE MOST APPROPRIATE
USES OF STATE FISCAL STABILIZATION
FUND MONEYS, AND AUTHORIZE THE
EXPENDITURE OF STATE FISCAL
STABILIZATION FUND MONEYS IN
ACCORDANCE WITH THE
RECOMMENDATIONS OF THE WORKING
GROUP."(State Fiscal Stabilization Fund;
Working Group Recommendations)

687 S.C.R. No. 31, S.D. 2, H.D. 1

AGREE/DISAGREE

"REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FINANCIAL AUDIT OF THE HAWAII PUBLIC HOUSING AUTHORITY'S MAINTENANCE CONTRACTS." (Audit; Hawaii Public Housing Authority; Maintenance Contracts)

Returning the following Senate Concurrent Resolutions which were adopted by the House on April 27, 2009:

688 S.C.R. No. 7, S.D. 1

**FILE** 

"REQUESTING THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE GOVERNOR TO CREATE A HOME FOR LIFE TASK FORCE TO REDUCE BARRIERS TO AGING IN PLACE AND TO FACILITATE MULTIGENERATIONAL LIVING." (Task Force; Aging in Place; Multigenerational Housing)

689	S.C.R. No. 51, S.D. 1  "URGING THE REGENTS CANDIDATE ADVISORY COUNCIL FOR THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO CONVENE A WORKING GROUP OF STUDENTS AND OTHER APPROPRIATE PARTIES TO DEVELOP AND IMPLEMENT A MODIFIED PROCESS FOR THE SELECTION OF THE CANDIDATES FOR THE STUDENT MEMBER OF THE UNIVERSITY OF HAWAII BOARD OF REGENTS."(UH; Candidate Advisory Council; Student Member Selection Process)	FILE
690	S.C.R. No. 50  "EXPRESSING LEGISLATIVE SUPPORT FOR THE ANE KEOHOKALOLE HIGHWAY EXTENSION, MID-LEVEL ROAD, IN THE COUNTY OF HAWAI'I."(Ane Keohokalole; Support)	FILE
691	S.C.R. No. 52, S.D. 1 "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."(Expanded Learning Time Models; Hookakoo Corporation)	FILE
692	S.C.R. No. 56, S.D. 1  "REQUESTING THE DEPARTMENT OF HEALTH TO INCREASE EDUCATIONAL EFFORTS TO PREVENT AND ERADICATE CERVICAL CANCER."(Cervical Cancer; Education and Eradication)	FILE

693	S.C.R. No. 62, S.D. 1 "STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAI'I FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS."(Compact of Free Association; Increase Federal Assistance)	FILE
694	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."(Periodic Repricing; Assignment of Classes to Pay Ranges; Collective Bargaining)	FILE
695	S.C.R. No. 77, S.D. 1 "PAYING TRIBUTE TO REPRESENTATIVE ROBERT H. "BOB" NAKASONE AND HIS LEGACY BY NAMING ONE OF THE MAUI MEDICAL FACILITIES IN HIS HONOR."(Honoring of Bob Nakasone; Maui Medical Facility)	FILE
696	S.C.R. No. 84  "REQUESTING THE STATE AUDITOR TO CONDUCT AN IMMEDIATE FINANCIAL STATEMENT AUDIT OF THE WATERS OF LIFE PUBLIC CHARTER SCHOOL FOR FISCAL YEAR 2006-2007 AND FISCAL YEAR 2007-2008." (Waters of Life Public Charter School; Audit; Auditor)	FILE

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697	S.C.R. No. 87, S.D. 1  "URGING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO CONVENE A TASK FORCE TO REVIEW STATE AND COUNTY AFFORDABLE HOUSING APPROVAL REQUIREMENTS AND PROCEDURES."(Affordable Housing Approval Procedures; Counties)	FILE
698	S.C.R. No. 109 "ENCOURAGING THE ESTABLISHMENT OF A FERRY SYSTEM FROM THE HOAKALEI RESORT AND MARINA IN EWA BEACH TO DOWNTOWN HONOLULU."(Hoakalei Resort and Marina; Establishment of a Ferry System)	FILE
699	S.C.R. No. 126, S.D. 1 "EXPRESSING SUPPORT FOR THE ELECTRIFICATION OF ENERGY EFFICIENT TRANSPORTATION SYSTEMS IN HAWAII."(Electrification of Energy Efficient Transportation Systems)	FILE
700	S.C.R. No. 146  "REQUESTING THE HAWAII P-20 PARTNERSHIPS FOR EDUCATION TO CONVENE THE APPROPRIATE AGENCIES TO EXAMINE CURRENT AND EMERGING PROGRAMS SEEKING TO TRACK STUDENT PROGRESS AND DEVELOP A LONGITUDINAL DATA SYSTEM FOR STUDENTS BEGINNING IN EARLY CHILDHOOD PROGRAMS TO GRADE TWELVE, AND BEYOND TO HIGHER EDUCATION AND THE WORKFORCE."(Hawaii P-20; Longitudinal Data System)	FILE

701	S.C.R. No. 150, S.D. 1  "URGING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH AND FACILITATE A SPECIAL EDUCATION PRIVATE SCHOOL TASK FORCE TO ADVISE THE DEPARTMENT OF EDUCATION ON POLICIES OR PROCEDURES FOR OVERSIGHT AND MONITORING OF PRIVATE SCHOOL OR FACILITY PLACEMENTS."(DOE; Special Education Private School Task Force; Establish)	FILE
702	S.C.R. No. 170, S.D. 2  "REQUESTING THE HAWAII STATE LEGISLATURE TO CONVENE A HAWAII HEALTH CARE SUMMIT TO DEVELOP A STRATEGIC AND COMPREHENSIVE PLAN FOR HEALTH CARE IN HAWAII."(Hawaii Health Care Summit)	FILE
703	S.C.R. No. 174, S.D. 1  "REQUESTING FEDERAL PROGRAMS FANNIE MAE AND FREDDIE MAC TO ALLOW SPECIAL RECONSIDERATION FOR A PRICING AND POLICIES EXCEPTION TO THE HAWAII REAL ESTATE MARKET AND FOR FIRST-TIME HOMEBUYERS WITH REGARD TO LOANS DELIVERED ON HAWAII CONDOMINIUMS."(Fannie Mae and Freddie Mac; Hawaii Exemption; Condo Purchases)	FILE
	Informing the Senate that on April 27, 2009, the House reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House Bill:	
704	H.B. No. 1101, H.D. 1, S.D. 1  "RELATING TO INVESTIGATORS OF THE DEPARTMENT OF HUMAN SERVICES." (Department of Human Services Investigators)	FILE

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Informing the Senate that on April 27, 2009, the House made changes to conferee assignments to the following bill:

705 H.B. No. 1405, H.D. 2, S.D. 2

**FILE** 

"RELATING TO THE GENERAL EXCISE TAX."

Discharged Representative McKelvey. Added Representative M. Lee as a member.

- 4. Senate Communications: None
- 5. Judiciary Communications: None
- 6. Conference Committee Report Nos. 6-9 and 54-58

6 (48 Hrs. Notice)	H.B. No. 1422, H.D. 1, S.D. 1, C.D. 1 "RELATING TO ABANDONED VEHICLES." (Recommends passage on <u>FINAL READING</u> as amended C.D. 1)
7 (48 Hrs. Notice)	H.B. No. 1057, H.D. 1, S.D. 2, C.D. 1 "RELATING TO THE STATE OF HAWAII COLLEGE SAVINGS PROGRAM." (Recommends passage on <u>FINAL READING</u> as amended C.D. 1)
(48 Hrs. Notice)	H.B. No. 876, H.D. 1, S.D. 2, C.D. 1 "RELATING TO CONDOMINIUMS." (Recommends passage on <u>FINAL READING</u> as amended C.D. 1)

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9 (48 Hrs. Notice)	H.B. No. 632, H.D. 1, S.D. 1, C.D. 1 "RELATING TO POLICY ADVISORY BOARD ON VETERANS' SERVICES." (Recommends passage on <u>FINAL READING</u> as amended C.D. 1)
54 (48 Hrs. Notice)	S.B. No. 1065, S.D. 2, H.D. 1, C.D. 1 "RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY." (Recommends passage on FINAL READING as amended C.D. 1)
55 (48 Hrs. Notice)	S.B. No. 281, H.D. 1, C.D. 1 "RELATING TO THE STATEWIDE TRAFFIC CODE." (Recommends passage on FINAL READING as amended C.D. 1)
56 (48 Hrs. Notice)	S.B. No. 711, S.D. 1, H.D. 2, C.D. 1 "RELATING TO TRANSPORTATION." (Recommends passage on FINAL READING as amended C.D. 1)
57 (48 Hrs. Notice)	S.B. No. 659, H.D. 1, C.D. 1 "RELATING TO STATE FUNDS." (Recommends passage on FINAL READING as amended C.D. 1)
58 (48 Hrs. Notice)	S.B. No. 971, S.D. 2, H.D. 1, C.D. 1 "RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE." (Recommends passage on FINAL READING as amended C.D. 1)

# 7. Standing Committee Report Nos. 1510-1516

<u>1510</u>	(CPN)	<u>G.M. No. 262</u>
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(One Day Notice)

"Submitting for consideration and confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, Gubernatorial Nominee, SHELLI A. MCCELVEY, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

<u>1511</u> (EDT) <u>G.M. No. 288</u>

(One Day Notice)

(One Day Notice)

"Submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, Gubernatorial Nominee, JAMES S. GUEQUIERRE, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

<u>1512</u> (EDT) <u>G.M. No. 292</u>

"Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, ALBERTA L. SANDERS, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

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(One Day Notice)

1512 (EDT) G.M. No. 421 (One Day Notice) "Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, JACQUELINE L. ROSSETTI, for a term to expire 6-30-2013." (Recommends Senate Consent to Nomination) (PSM) G.M. No. 363 1513 "Submitting for consideration and (One Day Notice) confirmation to the Wireless Enhanced 911 Board, Gubernatorial Nominee, GOLDIE K. CROSS, for a term to expire 6-30-2010." (Recommends Senate Consent to Nomination) 1513 (PSM) G.M. No. 365 (One Day Notice) "Submitting for consideration and confirmation to the Wireless Enhanced 911 Board, Gubernatorial Nominee, JAMES D. LACLAIR, for a term to expire 6-30-2010." (Recommends Senate Consent to Nomination) (PSM) G.M. No. 588 1513

(Recommends Senate Consent to Nomination)

"Submitting for consideration and

confirmation to the Wireless Enhanced 911 Board, Gubernatorial Nominee, ERIC

KNUTZEN, for a term to expire 6-30-2012."

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1514

(PSM)

(One Day Notice) "Submitting for consideration and confirmation to the Civil Defense Advisory Council, Gubernatorial Nominee, CREIGHTON W. GOLDSMITH, for a term to expire 6-30-2013." (Recommends Senate Consent to Nomination) 1514 (PSM) G.M. No. 366 (One Day Notice) "Submitting for consideration and confirmation to the Civil Defense Advisory Council, Gubernatorial Nominee, RANDY L. PROTHERO, for a term to expire 6-30-2013." (Recommends Senate Consent to Nomination)

G.M. No. 364

1515 (TIA) H.C.R. No. 303 (One Day Notice) "SUPPORTING

"SUPPORTING THE PEACE CORPS EXPANSION ACT OF 2009."

(Recommends Adoption)

<u>1516</u> (TIA) <u>H.C.R. No. 309</u>

(One Day Notice) "DENOUNCING THE VIOLATION OF

HUMAN RIGHTS IN TIBET." (Recommends Adoption)

#### ORDER OF THE DAY

#### 8. Advise and Consent

<u>1502</u> HRE <u>G.M. No. 257</u>

Testimony Status

"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."

1502 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."

1502 HRE G.M. No. 274

"Submitting for consideration and confirmation to the Center for Nursing

confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, ANA M. SILVA RN, CNA, BC, for a term to

expire 6-30-2013."

<u>1502</u> HRE <u>G.M. No. 526</u>

<u>Testimony Status</u>

confirmation to the Center for Nursing
Advisory Board, Gubernatorial Nominee,

ALVIN GOO, for a term to expire 6-30-

"Submitting for consideration and

2013."

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> 1502 **HRE** G.M. No. 527

"Submitting for consideration and **Testimony Status** confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee,

DENISE HOPKINS-CHADWICK, for a term

to expire 6-30-2013."

1503 **HRE** G.M. No. 311

"Submitting for consideration and confirmation to the Board of Directors of the **Testimony Status** 

Research Corporation of the University of Hawai'i, Gubernatorial Nominee, GUY P.

ONTAI, for a term to expire 6-30-2013."

1503 **HRE** G.M. No. 525

"Submitting for consideration and confirmation to the Board of Directors of the **Testimony Status** 

Research Corporation of the University of Hawai'i, Gubernatorial Nominee, ROBERT

D. DEWITZ, for a term to expire 6-30-2013."

1504 **HRE** G.M. No. 312

"Submitting for consideration and **Testimony Status** 

confirmation to the Western Interstate

Commission for Higher Education (WICHE), Gubernatorial Nominee, ROBERTA M.

RICHARDS, for a term to expire 6-30-2013."

**HMS** 1505 G.M. No. 583

"Submitting for consideration and **Testimony Status** confirmation to the Early Learning Council,

Gubernatorial Nominee, DOBORA ANN

KAIKALA, for a term to expire 6-30-2011."

**HMS** 1506 G.M. No. 523

confirmation to the State Rehabilitation **Testimony Status** Council, Gubernatorial Nominee, NORITA

DE LIMA, for a term to expire 6-30-2012."

"Submitting for consideration and

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1506 HMS <u>G.M. No. 524</u>

"Submitting for consideration and confirmation to the State Rehabilitation

Council, Gubernatorial Nominee, GRETCHEN LAWSON, for a term to expire

6-30-2012."

1507 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."

<u>1507</u> JGO <u>G.M. No. 511</u>

Testimony Status

"Submitting for consideration and confirmation to the Language Access Advisory Council, Gubernatorial Nominee,

JENNIFER LANI LI, for a term to expire 6-

30-2011."

1507 JGO G.M. No. 512

Testimony Status

"Submitting for consideration and confirmation to the Language Access Advisory Council, Gubernatorial Nominee,

AZI TURTURICI, for a term to expire 6-30-

2013."

<u>1508</u> JGO <u>G.M. No. 529</u>

"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."

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<u>1509</u> JGO

**Testimony Status** 

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."

<u>1509</u> JGO

Testimony Status

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."

9. Final Adoption

S.C.R. No. 121, S.D. 1, H.D. 1

> <u>Testimony Prior</u> <u>Versions Status</u>

"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."

#### 10. Miscellaneous Communication No. 3

MEASURE TITLE REFERRAL

**FILE** 

## M.C. No. 3

From the Indiana General Assembly, transmitting Senate Resolution No. 42, urging the President of the United States, the President of the Senate, the Majority Leader of the Senate and the Speaker of the House of Representatives of the United States Congress, and the President of the Senate and Speaker of the House of Representatives of each state's legislature of the United States of America to cease and desist, effective immediately, any and all mandates that are beyond the scope of their constitutionally delegated power, which was adopted on April 9, 2009.

#### 11. Miscellaneous Business

#### 12. Announcements

## • Committee Hearing Schedule:

<u>COMMITTEE</u>	DATE & TIME	<u>ROOM</u>
CONF	4/28/2009 1:30 PM	225
CONF	4/28/2009 1:30 PM	423
CONF	4/28/2009 1:30 PM	229
CONF	4/28/2009 2:00 PM	225
CONF	4/28/2009 2:00 PM	325
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 2:30 PM	224
CONF	4/28/2009 2:30 PM	016
CONF	4/28/2009 2:45 PM	423
CONF	4/28/2009 2:45 PM	309
CONF	4/28/2009 2:50 PM	309
CONF	4/28/2009 2:55 PM	309
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 3:15 PM	325
CONF	4/28/2009 3:30 PM	224
CONF	4/28/2009 3:30 PM	423
CONF	4/28/2009 3:30 PM	229
CONF	4/28/2009 3:45 PM	423
CONF	4/28/2009 4:00 PM	312
CONF	4/28/2009 4:30 PM	325
CONF	4/28/2009 5:00 PM	325
CONF	4/29/2009 8:50 AM	329
CONF	4/29/2009 9:00 AM	329
CONF	4/29/2009 9:05 AM	329
CONF	4/29/2009 10:00 AM	423
CONF	4/29/2009 10:00 AM	229
CONF	4/29/2009 10:30 AM	229
CONF	4/29/2009 10:30 AM	312
CONF	4/29/2009 11:00 AM	423
CONF	4/29/2009 11:15 AM	423
CONF	4/29/2009 1:00 PM	224
CONF	4/29/2009 1:30 PM	423
CONF	4/29/2009 1:30 PM	229
CONF	4/29/2009 1:30 PM	423
CONF	4/29/2009 2:00 PM	224
CONF	4/29/2009 2:00 PM	229
CONF	4/29/2009 2:00 PM	423
CONF	4/29/2009 2:30 PM	229
CONF	4/29/2009 2:30 PM	225
CONF	4/29/2009 3:00 PM	225
CONF	4/29/2009 3:00 PM	329
CONF	4/29/2009 3:00 PM	312
CONF	4/29/2009 3:00 PM	229
CONF	4/29/2009 3:05 PM	329
CONF	4/29/2009 3:15 PM	312
CONF	4/29/2009 4:30 PM	325
CONF	4/29/2009 5:00 PM	309
LBR	5/1/2009 2:45 PM	312
EDT/PSM	5/4/2009 9:00 AM	016

- Senate Session will convene at 11:30 a.m. on Wednesday, April 29, 2009.
- 13. Adjournment