

SEVENTH DAY

Monday, February 2, 2009

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2009, convened at 11:36 a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Will Espero, Hawai'i State Senate, after which the Roll was called showing all Senators present.

The President announced that she had read and approved the Journal of the Sixth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 228 to 241) were read by the Clerk and were placed on file:

Gov. Msg. No. 228, dated January 20, 2009, transmitting the Annual Report on the Business Education Internship and Mentorship Program, prepared by the Department of Business, Economic Development and Tourism, Strategic Industries Division, pursuant to Act 111, SLH 2007.

Gov. Msg. No. 229, dated January 20, 2009, transmitting a Report on the Self-Sufficiency Income Standard: Estimates for Hawaii 2007, Prepared by the Department of Business, Economic Development and Tourism, Section 201-3, HRS.

Gov. Msg. No. 230, dated January 21, 2009, transmitting a Report on the Efforts to Support Emerging Growth Industries, prepared by the Department of Business, Economic Development and Tourism, Research and Economic Analysis Division, pursuant to Section 201-19, HRS.

Gov. Msg. No. 231, dated January 21, 2009, transmitting a Report on Expenditures on Formally Declared Disasters, prepared by the Department of Transportation, Harbors Division, pursuant to Act 158, SLH 2008.

Gov. Msg. No. 232, dated January 21, 2009, transmitting a Report on the Health Professional Loan Repayment Program, Hawaii Health Corps Program, prepared by the Department of Business, Economic Development and Tourism, pursuant to Act 242, SLH 2008.

Gov. Msg. No. 233, dated January 26, 2009, transmitting the 2008 Annual Report on Recommendations for Denial of Claims for Legislative Relief, prepared by the Department of the Attorney General pursuant to Section 37-77, HRS.

Gov. Msg. No. 234, dated January 26, 2009, transmitting the 2008 Annual Report of the Hawaii Community Development Authority.

Gov. Msg. No. 235, dated January 27, 2009, transmitting a Report on the I-SaveRx Prescription Drug Program, prepared by the Department of Human Services, Med-Quest Division, pursuant to Act 58, SLH 2008.

Gov. Msg. No. 236, dated January 27, 2009, transmitting a Report on Home Property Liens, prepared by the Department of Human Services, Med-Quest Division, pursuant to Section 346-29.5, HRS.

Gov. Msg. No. 237, dated January 27, 2009, transmitting a Report on the Hawaii Infant Health Care Program and the Hawaii Children's Health Care Program, prepared by the Department of Human Services, Med-Quest Division, pursuant to Act 236, SLH 2007.

Gov. Msg. No. 238, dated January 27, 2009, transmitting a Report on the Effectiveness of the Uniting Peer Learning Integrating New Knowledge (UPLINK) Program, prepared by

the Department of Human Services, Benefit, Employment, and Support Division, pursuant to Act 158, Section 204.1, SLH 2008.

Gov. Msg. No. 239, dated January 27, 2009, transmitting the Transfer of Revolving Fund Monies Annual Report for calendar year ending December 31, 2008 prepared by the Department of Agriculture, pursuant to Sections 155-14 and 219-4, HRS.

Gov. Msg. No. 240, dated January 28, 2009, transmitting a report prepared by the Department of Public Safety pursuant to S.C.R. No. 125 (2008) on Early Parole Eligibility Programs.

Gov. Msg. No. 241, dated January 28, 2009, transmitting the 2008 Annual Report of the Department of Business, Economic Development and Tourism, pursuant to Section 201-10, HRS.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 3 to 33) were read by the Clerk and were deferred:

S.C.R. No. 3 "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO DESIGNATE THE HAWAII CAPITAL CULTURAL DISTRICT AS A NATIONAL HERITAGE AREA."

Offered by: Senators Chun Oakland, Green.

S.C.R. No. 4 "SENATE CONCURRENT RESOLUTION URGING THE HERITAGE TOURISM COMMUNITY TO COLLABORATIVELY WORK TO, AMONG OTHER THINGS, CREATE A HERITAGE TOURISM MARKETING PLAN FOR USE BY THE HAWAII TOURISM AUTHORITY."

Offered by: Senators Chun Oakland, Fukunaga, Green, Kokubun.

S.C.R. No. 5 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF VARIOUS UNRESOLVED ISSUES RELATING TO AGING."

Offered by: Senators Ihara, Baker, Chun Oakland, Hemmings, Espero, Fukunaga, Sakamoto, Tsutsui.

S.C.R. No. 6 "SENATE CONCURRENT RESOLUTION REQUESTING PUBLIC AND PRIVATE AGENCIES TO MAKE APPROPRIATE EXEMPTIONS FOR GRANDPARENTS CARING FOR GRANDCHILDREN TO REMAIN IN SENIOR HOUSING UNTIL SUITABLE HOUSING IS OBTAINED."

Offered by: Senators Ihara, Chun Oakland, Baker, Espero, Hemmings, Sakamoto, Tsutsui.

S.C.R. No. 7 "SENATE CONCURRENT RESOLUTION 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."

Offered by: Senators Ihara, Baker, Chun Oakland, Sakamoto, Fukunaga, Hemmings, Tsutsui.

S.C.R. No. 8 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF DISPARATE TREATMENT IN HAWAII'S CRIMINAL JUSTICE SYSTEM."

Offered by: Senator Hanabusa, by request.

S.C.R. No. 9 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE ESTABLISHMENT OF A COMMUNITY-BASED CARETAKING AND EDUCATIONAL PROGRAM FOR AREAS OF STATE PARKS THAT CONTAIN HEIAU AND OTHER SACRED SITES."

Offered by: Senator Hanabusa, by request.

S.C.R. No. 10 "SENATE CONCURRENT RESOLUTION AFFIRMING THAT THE DESCENDANTS OF THE RACES INHABITING THE ISLANDS OF HAWAI'I, MAUI, MOLOKA'I, LANAI, KAHOLAWE, O'AHU, KAUAI, NIHAU, AND NIHOA TO KANEMILOHA'I (KURE ATOLL) PRIOR TO WESTERN CONTACT IN 1778 COMPRISE THE INDIGENOUS, ABORIGINAL, 'MAOLI' PEOPLES OF HAWAI'I."

Offered by: Senator Hanabusa, by request.

S.C.R. No. 11 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ENCOURAGE THE PUBLIC ELEMENTARY SCHOOLS TO ESTABLISH RESOURCE CENTERS ON THEIR CAMPUSES IN ORDER TO COMBAT HOMELESSNESS."

Offered by: Senator Hanabusa, by request.

S.C.R. No. 12 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO AMEND ITS ADMINISTRATIVE RULES RELATING TO CAMPING AT STATE PARKS."

Offered by: Senator Hanabusa, by request.

S.C.R. No. 13 "SENATE CONCURRENT RESOLUTION ENCOURAGING STATE AND COUNTY ACTION TO STIMULATE INDIVIDUAL SAVINGS AND DEVELOPMENT OF CREDIT AND TO FORMULATE AN INVENTORY OF BANKING SERVICES AVAILABLE TO LOW-INCOME PERSONS AND THOSE WITH NO CREDIT HISTORY IN THE STATE."

Offered by: Senators Baker, Chun Oakland, Fukunaga, Kidani, Tokuda.

S.C.R. No. 14 "SENATE CONCURRENT RESOLUTION ENCOURAGING PARTICIPATION IN THE WHITE RIBBON CAMPAIGN TO END VIOLENCE AGAINST WOMEN."

Offered by: Senator Chun Oakland, by request.

S.C.R. No. 15 "SENATE CONCURRENT RESOLUTION DESIGNATING THE FIRST WEEK IN FEBRUARY 2010 AS HAWAII TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK."

Offered by: Senator Chun Oakland.

S.C.R. No. 16 "SENATE CONCURRENT RESOLUTION REQUESTING REVIEW OF EXISTING REPORTS AND STUDIES RELATED TO ASPARTAME AND RECISSION OF APPROVAL OF ASPARTAME FOR UNITED STATES MARKETS."

Offered by: Senators Chun Oakland, English, Green, Bunda, Espero, Gabbard, Galuteria, Ihara, Kidani, Takamine.

S.C.R. No. 17 "SENATE CONCURRENT RESOLUTION MANDATING COVERAGE OF EARLY INTERVENTION SERVICES FOR INFANTS AND CHILDREN FROM BIRTH TO AGE THREE."

Offered by: Senators Chun Oakland, Bunda, Espero, Gabbard, Ige, Kidani.

S.C.R. No. 18 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PROVIDE FURTHER SUPPORT FOR PUBLIC SCHOOLS THAT LIMIT OR DO NOT OFFER ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE COURSES."

Offered by: Senators Chun Oakland, Bunda, Espero, Gabbard.

S.C.R. No. 19 "SENATE CONCURRENT RESOLUTION URGING FAITH-BASED ORGANIZATIONS TO NETWORK AND COOPERATE TO SUPPORT FOSTER FAMILIES IN HAWAII."

Offered by: Senators Chun Oakland, English.

S.C.R. No. 20 "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO EXAMINE CYBERCRIME IN HAWAII."

Offered by: Senators Chun Oakland, Espero, Ige.

S.C.R. No. 21 "SENATE CONCURRENT RESOLUTION RECOGNIZING SEPTEMBER AS EDUCATION AND APPRECIATION AWARENESS MONTH IN HAWAII."

Offered by: Senators Chun Oakland, English.

S.C.R. No. 22 "SENATE CONCURRENT RESOLUTION COMMEMORATING MARCH 13, 2009, AS KIDNEY AWARENESS DAY AND THE MONTH OF MARCH AS KIDNEY AWARENESS MONTH IN THE STATE OF HAWAII."

Offered by: Senator Chun Oakland, by request.

S.C.R. No. 23 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO IMPLEMENT A STATEWIDE RAINWATER DETENTION AND RETENTION POND SAFETY PROGRAM."

Offered by: Senators Chun Oakland, Espero, Bunda.

S.C.R. No. 24 "SENATE CONCURRENT RESOLUTION URGING FULL PRESERVATION OF UNITED STATES MARINE CORPS AIR STATION EWA AS A NATIONAL MONUMENT, MUSEUM, AND RESTORED PARK FOR THE STATE OF HAWAII."

Offered by: Senators Espero, Bunda, English, Fukunaga, Gabbard.

S.C.R. No. 25 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE PARITY OF COVERAGE FOR ORAL AND INTRAVENOUS CHEMOTHERAPY."

Offered by: Senators Green, Baker, Chun Oakland, Kim, Takamine.

S.C.R. No. 26 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURANCE COVERAGE FOR COLONOSCOPY COLORECTAL CANCER SCREENING."

Offered by: Senators Ige, Baker, Hooser.

S.C.R. No. 27 "SENATE CONCURRENT RESOLUTION REQUESTING THE CENTERS FOR MEDICARE AND MEDICAID SERVICES TO CONSIDER RAISING THE MEDICARE FEE SCHEDULE PAYMENT AMOUNTS FOR PHYSICIANS RENDERING SERVICES IN HAWAII."

Offered by: Senator Ige.

S.C.R. No. 28 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A COMPREHENSIVE FINANCIAL AUDIT OF ALL FEDERAL FUNDS DESIGNATED FOR HEALTH CARE RECEIVED BY THE DEPARTMENT OF HUMAN SERVICES."

Offered by: Senator Ige.

S.C.R. No. 29 "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO RAISE MEDICARE FEE SCHEDULE PAYMENT AMOUNTS FOR PHYSICIANS RENDERING SERVICES IN HAWAII."

Offered by: Senator Ige.

S.C.R. No. 30 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY ON CONVERTING HARD COVER TEXT BOOKS TO E-BOOKS FOR USE IN PUBLIC SCHOOLS."

Offered by: Senators Kim, English, Galuteria, Hooser, Ihara, Tsutsui, Baker, Chun Oakland, Espero, Green, Hemmings, Kidani, Nishihara, Sakamoto.

S.C.R. No. 31 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FINANCIAL AUDIT OF THE HAWAII PUBLIC HOUSING AUTHORITY'S MAINTENANCE CONTRACTS."

Offered by: Senators Kim, Galuteria, Green, Hooser, Ihara, Sakamoto, Chun Oakland, Fukunaga, Ige, Kidani, Nishihara, Tokuda, Tsutsui.

S.C.R. No. 32 "SENATE CONCURRENT RESOLUTION ENCOURAGING STAKEHOLDERS AND INTERESTED PARTIES TO WORK TOGETHER TO ESTABLISH PAID FAMILY LEAVE OR SIMILAR WAGE REPLACEMENT PROGRAMS TO ASSIST FAMILY CAREGIVERS."

Offered by: Senators Tokuda, Chun Oakland, Baker, Fukunaga, Kidani.

S.C.R. No. 33 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES POSTAL SERVICE TO ISSUE POSTAL STAMPS HONORING THE WORLD WAR II JAPANESE-AMERICAN NISEI SOLDIERS, OTHER DISTINGUISHED MILITARY UNITS IN UNITED STATES HISTORY, AND AMERICAN'S WHO FOUGHT AGAINST DISCRIMINATION BASED ON RACE OR NATIONAL ORIGIN."

Offered by: Senators Ihara, Fukunaga, Galuteria, Hemmings, Ige, Kidani, Kokubun, Nishihara, Sakamoto, Taniguchi, Tokuda, Tsutsui, Takamine.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 6 to 20) were read by the Clerk and were deferred:

S.R. No. 6 "SENATE RESOLUTION REQUESTING CONGRESS TO DESIGNATE THE HAWAII CAPITAL CULTURAL DISTRICT AS A NATIONAL HERITAGE AREA."

Offered by: Senators Chun Oakland, Green.

S.R. No. 7 "SENATE RESOLUTION URGING THE HERITAGE TOURISM COMMUNITY TO

COLLABORATIVELY WORK TO, AMONG OTHER THINGS, CREATE A HERITAGE TOURISM MARKETING PLAN FOR USE BY THE HAWAII TOURISM AUTHORITY."

Offered by: Senators Chun Oakland, Fukunaga, Green, Kokubun.

S.R. No. 8 "SENATE RESOLUTION REQUESTING A STUDY OF VARIOUS UNRESOLVED ISSUES RELATING TO AGING."

Offered by: Senators Ihara, Baker, Chun Oakland, Hemmings, Espero, Fukunaga, Sakamoto, Tsutsui.

S.R. No. 9 "SENATE RESOLUTION REQUESTING PUBLIC AND PRIVATE AGENCIES TO MAKE APPROPRIATE EXEMPTIONS FOR GRANDPARENTS CARING FOR GRANDCHILDREN TO REMAIN IN SENIOR HOUSING UNTIL SUITABLE HOUSING IS OBTAINED."

Offered by: Senators Ihara, Chun Oakland, Baker, Espero, Fukunaga, Hemmings, Sakamoto, Tsutsui.

S.R. No. 10 "SENATE RESOLUTION 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."

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S.R. No. 11 "SENATE RESOLUTION ENCOURAGING PARTICIPATION IN THE WHITE RIBBON CAMPAIGN TO END VIOLENCE AGAINST WOMEN."

Offered by: Senator Chun Oakland, by request.

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S.R. No. 15 "SENATE RESOLUTION URGING FAITH-BASED ORGANIZATIONS TO NETWORK AND COOPERATE TO SUPPORT FOSTER FAMILIES IN HAWAII."

Offered by: Senator Chun Oakland.

S.R. No. 16 "SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO EXAMINE CYBERCRIME IN HAWAII."

Offered by: Senator Chun Oakland.		then to the Committee on Ways and Means
S.R. No. 17 "SENATE RESOLUTION RECOGNIZING SEPTEMBER AS EDUCATION AND APPRECIATION AWARENESS MONTH IN HAWAII."	S.B. No. 436	Jointly to the Committee on Health and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
Offered by: Senators Chun Oakland, English.		
S.R. No. 18 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO IMPLEMENT A STATEWIDE RAINWATER DETENTION AND RETENTION POND SAFETY PROGRAM."	S.B. No. 437	Committee on Transportation, International and Intergovernmental Affairs, then to the Committee on Judiciary and Government Operations
Offered by: Senators Chun Oakland, Espero, Bunda.	S.B. No. 472	Jointly to the Committee on Health and the Committee on Transportation, International and Intergovernmental Affairs, then to the Committee on Judiciary and Government Operations
S.R. No. 19 "SENATE RESOLUTION URGING FULL PRESERVATION OF UNITED STATES MARINE CORPS AIR STATION EWA AS A NATIONAL MONUMENT, MUSEUM, AND RESTORED PARK FOR THE STATE OF HAWAII."	S.B. No. 508	Jointly to the Committee on Higher Education and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
Offered by: Senators Espero, Bunda, Fukunaga, Gabbard.		
S.R. No. 20 "SENATE RESOLUTION URGING THE UNITED STATES POSTAL SERVICE TO ISSUE POSTAL STAMPS HONORING THE WORLD WAR II JAPANESE-AMERICAN NISEI SOLDIERS, OTHER DISTINGUISHED MILITARY UNITS IN UNITED STATES HISTORY, AND AMERICAN'S WHO FOUGHT AGAINST DISCRIMINATION BASED ON RACE OR NATIONAL ORIGIN."	S.B. No. 521	Jointly to the Committee on Commerce and Consumer Protection and the Committee on Judiciary and Government Operations, then to the Committee on Ways and Means
Offered by: Senators Ihara, Fukunaga, Galuteria, Hemmings, Ige, Kidani, Kokubun, Nishihara, Sakamoto, Taniguchi, Tokuda, Tsutsui, Takamine.	S.B. No. 522	Jointly to the Committee on Judiciary and Government Operations and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

S.B. No.	Re-referred to:		
S.B. No. 1	Committee on Water, Land, Agriculture and Hawaiian Affairs		
S.B. No. 39	Jointly to the Committee on Higher Education and the Committee on Health, then to the Committee on Ways and Means	S.B. No. 623	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Higher Education, then to the Committee on Ways and Means
S.B. No. 152	Jointly to the Committee on Education and Housing and the Committee on Energy and Environment, then to the Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Ways and Means	S.B. No. 630	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Higher Education, then to the Committee on Ways and Means
S.B. No. 294	Committee on Economic Development and Technology, then to the Committee on Ways and Means	S.B. No. 791	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means
S.B. No. 419	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means	S.B. No. 820	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
S.B. No. 422	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means	S.B. No. 904	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Energy and Environment, then to the Committee on Ways and Means
S.B. No. 423	Jointly to the Committee on Human Services and the Committee on Health,	S.B. No. 917	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Commerce and Consumer Protection

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- S.B. No. 1005 Committee on Economic Development and Technology, then to the Committee on Judiciary and Government Operations
- S.B. No. 1046 Jointly to the Committee on Higher Education and the Committee on Health, then to the Committee on Ways and Means
- S.B. No. 1091 Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Government Operations
- S.B. No. 1191 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary and Government Operations
- S.B. No. 1247 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- S.B. No. 1276 Jointly to the Committee on Economic Development and Technology and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
- S.B. No. 1292 Jointly to the Committee on Energy and Environment and the Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Government Operations
- S.B. No. 1293 Jointly to the Committee on Energy and Environment and the Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Government Operations
- S.B. No. 1323 Jointly to the Committee on Commerce and Consumer Protection and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
- S.B. No. 1325 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- S.B. No. 1334 Jointly to the Committee on Economic Development and Technology and the Committee on Tourism, then to the Committee on Ways and Means
- S.B. No. 1672 Committee on Economic Development and Technology

ADJOURNMENT

At 11:40 a.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30a.m., Tuesday, February 3, 2009.