

FIFTY-SIXTH DAY

Wednesday, April 29, 2009

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2009, convened at 11:42 a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Mike Gabbard, 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 Fifty-Fifth Day.

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 632) was read by the Clerk and was placed on file:

Gov. Msg. No. 632, informing the Senate that on April 28, 2009, the Governor allowed the following measure to become law without signature, which reads as follows:

Senate Bill No. 1676, S.D. 2 as Act 20, entitled: "RELATING TO HEALTH."

"Dear Madam President and Members of the Senate:

Re: Senate Bill No. 1676 SD2

On April 28, 2009, Senate Bill No. 1676, entitled 'A Bill for an Act Relating to Health' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to clarify that telemedicine is within the scope of a physician's practice and sets requirements and standards for the practice of telemedicine services. Telemedicine means the use of telecommunications services, such as video or web conferencing, telephone, or internet links between a physician and a patient to evaluate or treat a patient.

Modern technology has given us the ability to perform activities not imagined just a few years ago. The advent of telemedicine is a recent phenomenon that now allows patients to contact their doctor outside of the normal medical office arrangements. This technology also allows doctors to provide services to remote or hard to reach locations, as well as consult in real time video conferences with colleagues and specialists out of state who can help diagnose a disease or recommend a specific treatment program not available locally.

Senate Bill No. 1676 attempts to foster the use of telemedicine by better defining the practice, setting forth the circumstances under which treatment recommendations can be made, clarifying the medical licensing requirements for telemedicine practices, and reaffirming that medical insurance covers this technique for delivering medical services.

Modern technology also brings new issues and concerns that have not been adequately addressed in this bill. Three areas in particular are of concern to the medical community and deserve further attention in forthcoming legislative sessions.

First, there remains an understandable concern that a face-to-face relationship should be developed first between a primary care physician and a patient before the doctor is allowed to provide diagnoses or treatments via telemedicine. The Hawaii Medical Board has acknowledged this preference and believes it is fundamental to the delivery of appropriately provided medical services within generally accepted community standards of care.

Second, as written, the bill appears to allow both an individual patient, as well as that patient's doctor, to consult with and obtain treatments from an out-of-state physician or other non-Hawaii-based medical services provider. It would

appear more prudent for these out-of-state consultations to be restricted to doctor-to-doctor discussions where the Hawaii-based physicians know their consulting colleague and can ensure the discussions are technically and medically accurate.

Third, enforcement oversight issues for out-of-state physicians have not been adequately addressed in this bill. Neither the Hawaii Medical Board nor the Regulated Industries Complaints Office of the State Department of Commerce and Consumer Affairs has jurisdiction over out-of-state practitioners and cannot sanction them for actions that may not meet Hawaii's standards of medical care. As the medical community seeks out and uses specialists and medical providers outside of Hawaii, it is important that states like Hawaii work with other jurisdictions to address how best to ensure that the out-of-state individuals providing medical advice meet the educational, licensing, and ethical standards we have established for our own medical community.

For the foregoing reasons, I allowed Senate Bill No. 1676 to become law as Act 20, effective April 28, 2009, without my signature.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 706 to 712) were read by the Clerk and were placed on file:

Hse. Com. No. 706, informing the Senate that on April 28, 2009, the Speaker appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate bill:

S.B. No. 532, S.D. 1 (H.D. 1).

Representatives Karamatsu, chair; Ito, Souki, Thielen.

Hse. Com. No. 707, returning S.C.R. No. 78, S.D. 1, which was adopted by the House of Representatives on April 28, 2009.

Hse. Com. No. 708, returning S.C.R. No. 90, S.D. 1, which was adopted by the House of Representatives on April 28, 2009.

Hse. Com. No. 709, returning S.C.R. No. 105, S.D. 1, which was adopted by the House of Representatives on April 28, 2009.

Hse. Com. No. 710, informing the Senate that on April 28, 2009, the House reconsidered its action taken on April 16, 2009, in disagreeing to the amendments proposed by the Senate to H.B. No. 591, H.D. 1 (S.D. 1).

Hse. Com. No. 711, informing the Senate that on April 28, 2009, the House reconsidered its action taken on April 7, 2009, in disagreeing to the amendments proposed by the Senate to H.B. No. 1061, H.D. 1 (S.D. 1).

Hse. Com. No. 712, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 1101, H.D. 1, and H.B. No. 1101, H.D. 1, S.D. 1 passed Final Reading in the House of Representatives on April 28, 2009.

CONFERENCE COMMITTEE REPORTS

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 615, H.D. 1, presented a report (Conf. Com. Rep. No. 10) recommending that H.B. No. 615, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 10 and H.B. No. 615, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," was deferred for a period of 48 hours.

Senator Gabbard, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 590, H.D. 1, presented a report (Conf. Com. Rep. No. 11) recommending that H.B. No. 590, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 11 and H.B. No. 590, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITIES," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1071, H.D. 3, presented a report (Conf. Com. Rep. No. 12) recommending that H.B. No. 1071, H.D. 3, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 12 and H.B. No. 1071, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE SERVICERS," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1351, H.D. 2, S.D. 1, presented a report (Conf. Com. Rep. No. 13) recommending that H.B. No. 1351, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 13 and H.B. No. 1351, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE AGRICULTURAL PARKS," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 714, S.D. 1, presented a report (Conf. Com. Rep. No. 59) recommending that S.B. No. 714, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 59 and S.B. No. 714, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH OCCUPANCY VEHICLE LANES," was deferred for a period of 48 hours.

Senator Espero, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 564, S.D. 2, presented a report (Conf. Com. Rep. No. 60) recommending that S.B. No. 564, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 60 and S.B. No. 564, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1517) recommending that the Senate advise and consent to the nominations to the Mental Health and Substance Abuse, Maui Service Area Board of the following:

KARIN E. PHANEUF, in accordance with Gov. Msg. No. 335; and

SHERRY L. POPPE, in accordance with Gov. Msg. No. 336.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1517 and Gov. Msg. Nos. 335 and 336 was deferred until Thursday, April 30, 2009.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1518) recommending that the Senate advise and consent to the nominations to the Mental Health and Substance Abuse, Oahu Service Area Board of the following:

THOMAS J. MCCORMACK, in accordance with Gov. Msg. No. 329; and

LINDA H. SHEA, in accordance with Gov. Msg. No. 340.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1518 and Gov. Msg. Nos. 329 and 340 was deferred until Thursday, April 30, 2009.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1519) recommending that the Senate advise and consent to the nomination of SHEILA L. CALCAGNO to the Mental Health and Substance Abuse, Kaua'i Service Area Board, in accordance with Gov. Msg. No. 508.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1519 and Gov. Msg. No. 508 was deferred until Thursday, April 30, 2009.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1520) recommending that the Senate advise and consent to the nomination of JONATHAN T. HARRIS to the State Council on Mental Health, in accordance with Gov. Msg. No. 509.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1520 and Gov. Msg. No. 509 was deferred until Thursday, April 30, 2009.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1521) recommending that the Senate advise and consent to the nominations to the Board of Certification of Operating Personnel in Wastewater Treatment Plants of the following:

WESLEY L.K.M. LIM, in accordance with Gov. Msg. No. 577; and

BRADLEY M. PIERCE, in accordance with Gov. Msg. No. 578.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1521 and Gov. Msg. Nos. 577 and 578 was deferred until Thursday, April 30, 2009.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1522) recommending that the Senate advise and consent to the nomination of ROGER B. MCKEAGUE to the Board of Health, in accordance with Gov. Msg. No. 582.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1522 and Gov. Msg. No. 582 was deferred until Thursday, April 30, 2009.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1523) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Honolulu Subarea of the following:

TRACY H. OKUBO, in accordance with Gov. Msg. No. 473; and

SUSAN STALDER, in accordance with Gov. Msg. No. 474.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1523 and Gov. Msg. Nos. 473 and 474 was deferred until Thursday, April 30, 2009.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1524) recommending that the Senate advise and consent to the nominations to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances of the following:

BILLIE GABRIEL, in accordance with Gov. Msg. No. 503;

LOUIS M. KEALOHA, in accordance with Gov. Msg. No. 504;

MICHELE S. SCOFIELD, in accordance with Gov. Msg. No. 506; and

STEVEN M. SHIRAKI, in accordance with Gov. Msg. No. 507.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1524 and Gov. Msg. Nos. 503, 504, 506 and 507 was deferred until Thursday, April 30, 2009.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1525) recommending that the Senate advise and consent to the nominations to the Statewide Health Coordinating Council of the following:

JOHN J. BARNETT PHD, in accordance with Gov. Msg. No. 469;

JILL B. MIYAMURA, in accordance with Gov. Msg. No. 470;

REBECCA S. WARD, in accordance with Gov. Msg. No. 472; and

ARTHUR Y. NISHIDA, in accordance with Gov. Msg. No. 528.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1525 and Gov. Msg. Nos. 469, 470, 472 and 528 was deferred until Thursday, April 30, 2009.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1526) recommending that the Senate advise and consent to the nominations to the State Council on Developmental Disabilities of the following:

SARAH K. AHINA, in accordance with Gov. Msg. No. 493;

JOLAINE L. HAO, in accordance with Gov. Msg. No. 494;

LOUISE K. IWAISHI, in accordance with Gov. Msg. No. 495;

ANNIE L. KALAMA, in accordance with Gov. Msg. No. 496;

ANASTASIA L. KELLER-COLLINS, in accordance with Gov. Msg. No. 497;

JENNIFER V. PATRICIO ESQ., in accordance with Gov. Msg. No. 498;

JOSEPHINE C. WOLL, in accordance with Gov. Msg. No. 499; and

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1526 and Gov. Msg. Nos. 493, 494, 495, 496, 497, 498 and 499 was deferred until Thursday, April 30, 2009.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1527) recommending that the Senate advise and consent to the nominations to the Disability and Communication Access Board of the following:

BARBARA P. FISCHLOWITZ-LEONG, in accordance with Gov. Msg. No. 500;

LYNN K. MURAKAMI-AKATSUKA, in accordance with Gov. Msg. No. 501; and

ANTHONY A. RIECKE-GONZALES, in accordance with Gov. Msg. No. 502.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1527 and Gov. Msg. Nos. 500, 501 and 502 was deferred until Thursday, April 30, 2009.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1528) recommending that the Senate advise and consent to the nominations to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances of the following:

STEPHEN KALANI BRADY, in accordance with Gov. Msg. No. 316; and

DARIN H. KAWAZOE, in accordance with Gov. Msg. No. 327.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1528 and Gov. Msg. Nos. 316 and 327 was deferred until Thursday, April 30, 2009.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1529) recommending that the Senate advise and consent to the nomination of LAURA L. TOBOSA to the Statewide Council on Independent Living, in accordance with Gov. Msg. No. 303.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1529 and Gov. Msg. No. 303 was deferred until Thursday, April 30, 2009.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1530) recommending that the Senate advise and consent to the nomination of CLAUD ROBERT SUTCLIFFE to the Commission on Fatherhood, in accordance with Gov. Msg. No. 552.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1530 and Gov. Msg. No. 552 was deferred until Thursday, April 30, 2009.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 1531) recommending that H.C.R. No. 16, H.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1531 and H.C.R. No. 16, H.D. 1, entitled: "HOUSE 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," was deferred until Thursday, April 30, 2009.

Senators Chun Oakland and Ige, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 1532) recommending that H.C.R. No. 34 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1532 and H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO RAISE MEDICARE FEE SCHEDULE PAYMENT AMOUNTS FOR

PHYSICIANS RENDERING SERVICES IN HAWAII,” was deferred until Thursday, April 30, 2009.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1533) recommending that H.C.R. No. 4, H.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1533 and H.C.R. No. 4, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION DESIGNATING THE FIRST WEEK IN FEBRUARY AS HAWAII TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK,” was deferred until Thursday, April 30, 2009.

Senators Ige and Baker, for the Committee on Health and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 1534) recommending that H.C.R. No. 109 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1534 and H.C.R. No. 109, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURANCE COVERAGE FOR COLONOSCOPY COLORECTAL CANCER SCREENING,” was deferred until Thursday, April 30, 2009.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1535) recommending that H.C.R. No. 214, H.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1535 and H.C.R. No. 214, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THAT FEDERAL FUNDING BE PROVIDED TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION TO ESTABLISH A CHRONIC OBSTRUCTIVE PULMONARY DISEASE PROGRAM,” was deferred until Thursday, April 30, 2009.

Senator Tokuda, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1536) recommending that H.C.R. No. 217, H.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1536 and H.C.R. No. 217, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO DEVELOP PLANS FOR A SCHOLARSHIP PROGRAM FOR HAWAII RESIDENTS TO STUDY ABROAD,” was deferred until Thursday, April 30, 2009.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1537) recommending that H.C.R. No. 158 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1537 and H.C.R. No. 158, entitled: “HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS,” was deferred until Thursday, April 30, 2009.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1538) recommending that H.C.R. No. 96 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1538 and H.C.R. No. 96, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF

LAND AND NATURAL RESOURCES, DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT, TO PROVIDE LIMITED ENFORCEMENT SERVICES AT NIGHT ON A REGULAR BASIS AND TO CONTINUE PROVIDING ENFORCEMENT SERVICES ON WEEKENDS AND HOLIDAYS AT KANEOHE BAY,” was deferred until Thursday, April 30, 2009.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1539) recommending that H.C.R. No. 250 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1539 and H.C.R. No. 250, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REVIEW ALL BOARDS, COMMISSIONS, COUNCILS, COMMITTEES, WORKING GROUPS, AND TASK FORCES TO DETERMINE WHICH OF THESE CAN BE ELIMINATED,” was deferred until Thursday, April 30, 2009.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1540) recommending that H.C.R. No. 251 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1540 and H.C.R. No. 251, entitled: “HOUSE CONCURRENT RESOLUTION URGING DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF AQUATIC RESOURCES, TO CONSULT AND CONFER WITH LICENSED SPECIALIZED FISHING PRACTITIONERS PRIOR TO IMPLEMENTING REVISED OR NEW REGULATIONS AFFECTING THESE STYLES OF NEAR-SHORE COMMERCIAL FISHING AND TO SEEK ADVICE FROM AND WORK COLLABORATIVELY WITH THEM ON ANY AND ALL FUTURE REGULATIONS RELATING TO COMMERCIAL FISHING,” was deferred until Thursday, April 30, 2009.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1541) recommending that H.C.R. No. 113 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1541 and H.C.R. No. 113, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONSULT WITH OTHER PUBLIC AND PRIVATE ENTITIES TO DEVELOP A PLAN TO OPTIMIZE THE USE OF THE KAMUELA VACUUM COOLING PLANT,” was deferred until Thursday, April 30, 2009.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 1542) recommending that the Senate advise and consent to the nominations to the State Foundation on Culture and the Arts Commission of the following:

TERILYNNE F. GORMAN, in accordance with Gov. Msg. No. 287;

LEONARD K. CHOW, in accordance with Gov. Msg. No. 519;

JAMES C. JENNINGS, in accordance with Gov. Msg. No. 520; and

SHERYL B. SEAMAN AIA, ASID, LEED AP, in accordance with Gov. Msg. No. 521.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1542 and Gov. Msg. Nos. 287, 519, 520 and 521 was deferred until Thursday, April 30, 2009.

ORDER OF THE DAY
AGREE/DISAGREE
MATTERS DEFERRED FROM
APRIL 28, 2009

S.C.R. No. 30 (H.D. 1):

Senator Sakamoto moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 30, seconded by Senator Kidani.

Senator Sakamoto rose to speak in support of the motion and said:

“On S.C.R. No. 30, H.D. 1, the House added some provisions related to the blind and Braille to the measure, and it improves the measure or doesn’t harm the content that the Senate had.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 30, and S.C.R. No. 30, H.D. 1, entitled: “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,” was placed on the calendar for Final Adoption on Thursday, April 30, 2009.

S.C.R. No. 188, S.D. 2 (H.D. 1):

Senator Sakamoto moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 188, S.D. 2, seconded by Senator Kidani.

Senator Sakamoto rose to speak in support of the motion and said:

“And on the second measure, S.C.R. No. 188, S.D. 2, H.D. 1—and this related to the stabilization fund—one paragraph the House deleted, and substantially the intent still is there as the Senate had intended.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 188, S.D. 2, and S.C.R. No. 188, S.D. 2, H.D. 1, entitled: “SENATE CONCURRENT RESOLUTION 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,” was placed on the calendar for Final Adoption on Thursday, April 30, 2009.

S.C.R. No. 31, S.D. 2 (H.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 31, S.D. 2, and requested a conference on the subject matter thereof.

ADVISE AND CONSENT

Stand. Com. Rep. No. 1510 (Gov. Msg. No. 262):

Senator Baker moved that Stand. Com. Rep. No. 1510 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of SHELLI A. MCCELVEY to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, term to expire June 30, 2013, seconded by Senator Ige.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1511 (Gov. Msg. No. 288):

Senator Fukunaga moved that Stand. Com. Rep. No. 1511 be received and placed on file, seconded by Senator Baker and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of JAMES S. GUEQUIERRE to the Hawai‘i Historic Places Review Board, term to expire June 30, 2013, seconded by Senator Baker.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1512 (Gov. Msg. Nos. 292 and 421):

Senator Fukunaga moved that Stand. Com. Rep. No. 1512 be received and placed on file, seconded by Senator Baker and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the King Kamehameha Celebration Commission of the following:

ALBERTA L. SANDERS, term to expire June 30, 2012 (Gov. Msg. No. 292); and

JACQUELINE L. ROSSETTI, term to expire June 30, 2013 (Gov. Msg. No. 421),

seconded by Senator Baker.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1513 (Gov. Msg. Nos. 363, 365, and 588):

Senator Espero moved that Stand. Com. Rep. No. 1513 be received and placed on file, seconded by Senator Bunda and carried.

Senator Espero then moved that the Senate advise and consent to the nominations to the Wireless Enhanced 911 Board of the following:

GOLDIE K. CROSS, term to expire June 30, 2010 (Gov. Msg. No. 363);

JAMES D. LACLAIR, term to expire June 30, 2010 (Gov. Msg. No. 365); and

ERIC KNUTZEN, term to expire June 30, 2012 (Gov. Msg. No. 588),

seconded by Senator Bunda.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1514 (Gov. Msg. Nos. 364 and 366):

Senator Espero moved that Stand. Com. Rep. No. 1514 be received and placed on file, seconded by Senator Bunda and carried.

Senator Espero then moved that the Senate advise and consent to the nominations to the Civil Defense Advisory Council of the following:

CREIGHTON W. GOLDSMITH, term to expire June 30, 2013 (Gov. Msg. No. 364); and

RANDY L. PROTHERO, term to expire June 30, 2013 (Gov. Msg. No. 366),

seconded by Senator Bunda.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

FINAL ADOPTION

S.C.R. No. 38, S.D. 1, H.D. 1:

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 38, S.D. 1, and S.C.R. No. 38, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF A PLAN FOR INCREASING AID AND ASSISTANCE TO CERTIFIED ORGANIC FARMERS," was Finally Adopted.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, APRIL 28, 2009

Stand. Com. Rep. No. 1515 (H.C.R. No. 303):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 303, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PEACE CORPS EXPANSION ACT OF 2009," was adopted.

Stand. Com. Rep. No. 1516 (H.C.R. No. 309):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 309, entitled: "HOUSE CONCURRENT RESOLUTION DENOUNCING THE VIOLATION OF HUMAN RIGHTS IN TIBET," was adopted.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 523, S.D. 2 (H.D. 2):

Senator Fukunaga moved that the Senate reconsider its action taken on April 16, 2009, in disagreeing to the amendments proposed by the House to S.B. No. 523, S.D. 2, seconded by Senator Tsutsui and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 523, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 2 (Fukunaga, Tsutsui). Noes, none. Excused, 1 (Hemmings).

Senator Fukunaga moved that the Senate agree to the amendments made by the House to S.B. No. 523, S.D. 2, seconded by Senator Tsutsui.

Senator Fukunaga spoke in support of the motion as follows:

"This bill makes minor technical amendments to the High Technology Research and Development Loan and Grant Program, and the House amendments were very similar to those in the original Senate draft."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 523, S.D. 2, and S.B. No. 523, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," was placed on the calendar for Final Reading on Thursday, April 30, 2009.

S.B. No. 420, S.D. 2 (H.D. 2):

Senator Ige moved that the Senate reconsider its action taken on April 16, 2009, in disagreeing to the amendments proposed by the House to S.B. No. 420, S.D. 2, seconded by Senator Sakamoto and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 420, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Ige, Baker, Espero). Noes, none. Excused, 1 (Hemmings).

Senator Ige moved that the Senate agree to the amendments made by the House to S.B. No. 420, S.D. 2, seconded by Senator Sakamoto.

Senator Ige spoke in support of the motion as follows:

"The amendments made to S.B. No. 420, Relating to Naturopathic Medicine, were to further limit the prescription of controlled substances, to which the advocates were agreeable."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 420, S.D. 2, and S.B. No. 420, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHIC MEDICINE," was placed on the calendar for Final Reading on Thursday, April 30, 2009.

S.B. No. 777, S.D. 1 (H.D. 1):

Senator Ige moved that the Senate reconsider its action taken on April 16, 2009, in disagreeing to the amendments proposed by the House to S.B. No. 777, S.D. 1, seconded by Senator Sakamoto and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 777, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Ige, Baker, Green). Noes, none. Excused, none.

Senator Ige moved that the Senate agree to the amendments made by the House to S.B. No. 777, S.D. 1, seconded by Senator Sakamoto.

Senator Ige spoke in support of the motion as follows:

"On S.B. No. 777, House amendments were technical in nature."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 777, S.D. 2, and S.B. No. 777, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPREHENSIVE SEXUALITY HEALTH EDUCATION," was placed on the calendar for Final Reading on Thursday, April 30, 2009.

S.B. No. 937 (H.D. 1):

Senator Ige moved that the Senate reconsider its action taken on April 16, 2009, in disagreeing to the amendments proposed by the House to S.B. No. 937, seconded by Senator Sakamoto and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 937, on the following showing of Ayes and Noes:

Ayes, 4 (Ige, Taniguchi, Baker, Slom). Noes, none. Excused, none.

Senator Ige moved that the Senate agree to the amendments made by the House to S.B. No. 937, seconded by Senator Sakamoto.

Senator Ige spoke in support of the motion as follows:

“On S.B. No. 937, Relating to Mental Health, a more comprehensive purpose clause was added, but other than that, it was purely technical amendments.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 937, and S.B. No. 937, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MENTAL HEALTH,” was placed on the calendar for Final Reading on Thursday, April 30, 2009.

S.B. No. 967, S.D. 2 (H.D. 3):

Senator Ige moved that the Senate reconsider its action taken on April 16, 2009, in disagreeing to the amendments proposed by the House to S.B. No. 967, S.D. 2, seconded by Senator Sakamoto and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 967, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Ige, Taniguchi, Baker). Noes, none. Excused, 1 (Hemmings).

Senator Ige moved that the Senate agree to the amendments made by the House to S.B. No. 967, S.D. 2, seconded by Senator Sakamoto.

Senator Ige spoke in support of the motion as follows:

“On S.B. No. 967, Relating to Controlled Substances, the House amendments were similar to Senate amendments that we had incorporated into the companion House bill when it crossed.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 967, S.D. 2, and S.B. No. 967, S.D. 2, H.D. 3, entitled: “A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES,” was placed on the calendar for Final Reading on Thursday, April 30, 2009.

S.B. No. 1008, S.D. 1 (H.D. 2):

Senator Ige moved that the Senate reconsider its action taken on April 16, 2009, in disagreeing to the amendments proposed by the House to S.B. No. 1008, S.D. 1, seconded by Senator Sakamoto and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the

Senate agree to the amendments proposed by the House to S.B. No. 1008, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Ige, Gabbard, Espero). Noes, none. Excused, 1 (Hemmings).

Senator Ige moved that the Senate agree to the amendments made by the House to S.B. No. 1008, S.D. 1, seconded by Senator Sakamoto.

Senator Ige spoke in support of the motion as follows:

“And on S.B. No. 1008, again, H.D. 2 is consistent with the Senate amendments made to the House bill when it had crossed.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1008, S.D. 1, and S.B. No. 1008, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO WATER QUALITY STANDARDS,” was placed on the calendar for Final Reading on Thursday, April 30, 2009.

S.B. No. 309 (H.D. 1):

Senator Takamine moved that the Senate reconsider its action taken on April 16, 2009, in disagreeing to the amendments proposed by the House to S.B. No. 309, seconded by Senator Taniguchi and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 309, on the following showing of Ayes and Noes:

Ayes, 2 (Takamine, Taniguchi). Noes, none. Excused, 1 (Slom).

Senator Takamine moved that the Senate agree to the amendments made by the House to S.B. No. 309, seconded by Senator Taniguchi.

Senator Takamine spoke in support of the motion as follows:

“Madam President, with respect to S.B. No. 309, the House draft included essentially technical, non-substantive amendments.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 309, and S.B. No. 309, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO WORKERS’ COMPENSATION,” was placed on the calendar for Final Reading on Thursday, April 30, 2009.

S.B. No. 1568, S.D. 2 (H.D. 1):

Senator Takamine moved that the Senate reconsider its action taken on April 16, 2009, in disagreeing to the amendments proposed by the House to S.B. No. 1568, S.D. 2, seconded by Senator Taniguchi and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1568, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 2 (Takamine, Taniguchi). Noes, none. Excused, 1 (Slom).

Senator Takamine moved that the Senate agree to the amendments made by the House to S.B. No. 1568, S.D. 2, seconded by Senator Taniguchi.

Senator Takamine spoke in support of the motion as follows:

“And with respect to S.B. No. 1568, the House draft did include additional language not inconsistent with the original language in S.B. No. 1568; and since that will allow the state to access up to \$30 million more of federal funds for unemployment insurance benefits, we would like to move forward at this time.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1568, S.D. 2, and S.B. No. 1568, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE,” was placed on the calendar for Final Reading on Thursday, April 30, 2009.

S.B. No. 522, S.D. 2 (H.D. 1):

Senator Taniguchi moved that the Senate reconsider its action taken on April 16, 2009, in disagreeing to the amendments proposed by the House to S.B. No. 522, S.D. 2, seconded by Senator Baker and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 522, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Taniguchi, Baker, Kim). Noes, none. Excused, 1 (Slom).

Senator Taniguchi moved that the Senate agree to the amendments made by the House to S.B. No. 522, S.D. 2, seconded by Senator Baker.

Senator Taniguchi spoke in support of the motion as follows:

“Madam President, the House made amendments as follows that are noted in House Standing Committee Report 1264: These include that in lieu of the Administrator of the Honolulu Assessment Division requiring the image and index of documents to be transmitted to the county designated to act as the central clearinghouse in a memorandum of understanding agreed upon by the counties, provided that the central clearinghouse deliver the images and index to the other counties without charge. They also removed the provision allowing the Assistant Registrar to transmit the image and index after the specified deadline for transmittal in the case of unforeseen technical computer malfunctions, and they also made technical and non-substantive amendments. And we are agreeable to all those.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 522, S.D. 2, and S.B. No. 522, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LAND COURT,” was placed on the calendar for Final Reading on Thursday, April 30, 2009.

At this time, the Chair made the following announcements:

“Tomorrow is the final decking deadline for all non-fiscal bills in conference. All conference committee meetings should conclude by 6:00 p.m. and the Senate will convene in session at 6:30 p.m.

“Re-referrals are made in accordance with the re-referrals listed on the Supplemental Order of the Day that may be distributed to your offices later this afternoon.”

Senator Green rose on a point of personal privilege and said:

“This is regarding swine flu. I thought just like a little mini, one-minute presentation might be in order. I did send a document to all of us and over in the House.

“First of all, swine flu is the flu but a more virulent strain. There’s no way to really prevent it other than to keep your hands clean and not be in touch with people who have the flu. As of yesterday, there were 64 cases that have been isolated in the United States. Forty-five of them were in New York; most of the others were in California and Texas. The concern about swine flu is that it really is a strong form of the flu, and it did cause a lot of fatalities initially in Mexico; over a hundred individuals died. If you get the flu, in general, you have headaches, or fever, or body aches, cough, and so it’s something to go see your doctor about. You can get a culture done there if it were to happen. Fortunately, we have not had any cases in Hawai‘i. I know the Department of Health is working very closely. Of course, it has a huge human impact if we have a pandemic, which means spread of the flu across countries or worlds. And it has—beyond the human impact—it has a lot of other consequences like isolating different communities. It has an implication on economies globally, and so it’s all something that’s very serious. But I think the three page handout that I forwarded to you is a good resource, very cleanly written by the Department of Health to tell people about the flu and flu symptoms. It might be worth forwarding to interested constituents, and if anyone wants to know more about the flu, normally we’d be getting updates, but I’ll be happy to talk to anyone about it.”

APPOINTMENT OF CONFEREES

S.C.R. No. 31, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.C.R. No. 31, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Tsutsui, co-chair; Hemmings as manager on the part of the Senate at such conference.

ADJOURNMENT

At 12:00 p.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 6:30 p.m., Thursday, April 30, 2009.