

THIRTY-FOURTH DAY

Monday, March 23, 2009

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2009, convened at 11:35 a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. Glenn Yamaguchi, Senior Pastor at New Hope Kapolei, after which the Roll was called showing all Senators present.

The President announced that she had read and approved the Journal of the Thirty-Third Day.

At this time, the following introductions were made to the members of the Senate:

Senator Sakamoto, with the assistance of Senators Chun Oakland, Bunda, Tokuda, Baker, Hooser, Gabbard, and Kokubun, introduced and commended the following recipients of the 2009 Teacher of the Year Awards: Ms. Bebi Davis, Farrington High School (2009 Hawai'i State Teacher of the Year); Mr. Glenn Lee, Waialua High and Intermediate School (2009 Central District Teacher of the Year); Ms. Ramona Takahashi, Kailua High School (2009 Windward District Teacher of the Year); Ms. Roberta Kokx, Kihei Elementary School (2009 Maui District Teacher of the Year); and Ms. Mary Lardizabal, Kapaa Middle School (2009 Kaua'i District Teacher of the Year). Also recognized were Ms. Peggy Ann Pavao of Kapolei Middle School (2009 Leeward District Teacher of the Year), and Mr. John Constantinou of Kea'au High School (2009 Hawai'i District Teacher of the Year), who were not able to attend.

At 11:53 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 a.m.

STANDING COMMITTEE REPORTS

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 907) recommending that H.B. No. 520, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 520, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDINGS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 25, 2009.

ORDER OF THE DAY

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM FRIDAY, MARCH 20, 2009

Stand. Com. Rep. No. 905 (S.C.R. No. 18, S.D. 1)

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 18, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PROVIDE FURTHER SUPPORT FOR ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE COURSES IN PUBLIC SCHOOLS THAT LIMIT OR DO NOT OFFER THESE COURSES," was adopted.

Stand. Com. Rep. No. 906 (S.C.R. No. 52, S.D. 1)

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 52, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE HOOKAKOO CORPORATION REPORT ON THE PROGRESS AND IMPACTS OF THE MODELS FOR EXPANDED LEARNING TIME BEING PILOTTED BY THE HOOKAKOO CORPORATION'S PARTNER CONVERSION CHARTER SCHOOLS," was adopted.

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

"Thank you, Madam President. I'm sure you all missed me tremendously last week when I was gone. I'm back.

"When I was gone for three days, I was invited to the National Conference of State Legislatures' meeting in Washington, D.C. to discuss the stimulus package, and we had a number of extremely invigorating, interesting meetings, including a briefing by Speaker Pelosi on Capitol Hill. No matter what your political persuasion is, the stimulus package does—and I have to report to you—have an absolutely astounding impact on the federal budget, the \$780 billion of borrowed money. You know, our political side of the aisle thinks we're stimulating a lot of government growth and a massive redistribution of money. That aside, there's something more important that I want to report to you which came up by the NCSL in the course of discussions, including a meeting with the Vice President of the United States where they made presentations. No matter what your political persuasion is, you should take notice: this legislation subordinates the legislative authority in many states that have constitutions which say the legislature shall make budgets. I suspect that with our good organization here we'll be able to directly appropriate the money that is necessary to carry out the stimulus package. But the stimulus package itself says, 'the governor shall' in many instances 'do the appropriations' with no mention of the state or the legislature; in other words, bypassing the legislative process for expenditures of the money. It further eliminates the states' rights and responsibilities in the area of expenditures of funds because it delineates exactly how the money should be spent. Third of all, and curiously enough, it does subordinate the governor. Because the legislation is so tightly construed and has punitive measures in it with timelines and exactly how and where the money can be spent, it basically makes the Governor of the State of Hawai'i and the Legislature subordinate in the expenditure of most if not all of the money that will be coming to us.

"Our nation has been slowly migrating towards losing the federalist system that was so cleverly designed by the Founding Fathers. I would suggest if you take a look at the impact of this legislation and our role in spending this money—which is limited and we're just basically being directed by Washington—we are totally usurping our rights and our responsibility to spend the money as we see fit. And it's quite obvious to me that the genius of the Founding Fathers. If you look in the Federalist Papers No. 45, Madison very explicitly spells out what the role of the federal government is in relationship to states. Clearly he wanted the power to reside with the states because we know best how to spend our money.

"I just wanted to share that with you—and especially the Chair of the Ways and Means Committee, who I know is going to be scrutinizing this money from the federal government very closely. We may be losing our rights as state legislators and individual states to dictate our future because it's being yielded to the federal government. Thank you, Madam President."

At this time, the Chair made the following announcement:

“Referrals and re-referrals are made in accordance with the Supplemental Order of the Day that will be distributed to your offices later this afternoon.

**REFERRAL OF
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, March 17, 2009, and Wednesday, March 18, 2009:

S.C.R. No.	Referred to:	S.C.R. No. 94	Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
S.C.R. No. 74	Jointly to the Committee on Energy and Environment and the Committee on Transportation, International and Intergovernmental Affairs	S.C.R. No. 95	Committee on Commerce and Consumer Protection
S.C.R. No. 75	Committee on Judiciary and Government Operations	S.C.R. No. 96	Committee on Commerce and Consumer Protection
S.C.R. No. 76	Committee on Judiciary and Government Operations	S.C.R. No. 97	Committee on Higher Education
S.C.R. No. 77	Committee on Health	S.C.R. No. 98	Jointly to the Committee on Ways and Means and the Committee on Transportation, International and Intergovernmental Affairs
S.C.R. No. 78	Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Ways and Means	S.C.R. No. 99	Committee on Health
S.C.R. No. 79	Committee on Higher Education	S.C.R. No. 100	Committee on Transportation, International and Intergovernmental Affairs
S.C.R. No. 80	Committee on Transportation, International and Intergovernmental Affairs	S.C.R. No. 101	Committee on Commerce and Consumer Protection
S.C.R. No. 81	Jointly to the Committee on Education and Housing and the Committee on Water, Land, Agriculture and Hawaiian Affairs	S.C.R. No. 102	Committee on Health
S.C.R. No. 82	Committee on Education and Housing	S.C.R. No. 103	Jointly to the Committee on Education and Housing and the Committee on Human Services
S.C.R. No. 83	Committee on Education and Housing	S.C.R. No. 104	Committee on Education and Housing
S.C.R. No. 84	Committee on Education and Housing, then to the Committee on Ways and Means	S.C.R. No. 105	Jointly to the Committee on Human Services and the Committee on Education and Housing
S.C.R. No. 85	Committee on Education and Housing	S.C.R. No. 106	Committee on Health, then to the Committee on Ways and Means
S.C.R. No. 86	Committee on Education and Housing	S.C.R. No. 107	Committee on Education and Housing
S.C.R. No. 87	Jointly to the Committee on Education and Housing and the Committee on Water, Land, Agriculture and Hawaiian Affairs	S.C.R. No. 108	Committee on Judiciary and Government Operations, then to the Committee on Ways and Means
S.C.R. No. 88	Jointly to the Committee on Education and Housing and the Committee on Transportation, International and Intergovernmental Affairs	S.C.R. No. 109	Committee on Transportation, International and Intergovernmental Affairs
S.C.R. No. 89	Committee on Energy and Environment	S.C.R. No. 110	Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Ways and Means
S.C.R. No. 90	Committee on Human Services	S.C.R. No. 111	Committee on Judiciary and Government Operations
S.C.R. No. 91	Committee on Public Safety and Military Affairs	S.C.R. No. 112	Committee on Transportation, International and Intergovernmental Affairs
S.C.R. No. 92	Jointly to the Committee on Higher Education and the Committee on Economic Development and Technology	S.C.R. No. 113	Committee on Transportation, International and Intergovernmental Affairs
S.C.R. No. 93	Committee on Judiciary and Government Operations	S.C.R. No. 114	Committee on Education and Housing, then to the Committee on Ways and Means
		S.C.R. No. 115	Committee on Commerce and Consumer Protection
		S.C.R. No. 116	Jointly to the Committee on Higher Education and the Committee on Human Services
		S.C.R. No. 117	Committee on Judiciary and Government Operations

S.C.R. No. 118	Committee on Water, Land, Agriculture and Hawaiian Affairs	S.C.R. No. 139	Committee on Water, Land, Agriculture and Hawaiian Affairs
S.C.R. No. 119	Committee on Transportation, International and Intergovernmental Affairs	S.C.R. No. 140	Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
S.C.R. No. 120	Jointly to the Committee on Health and the Committee on Human Services	S.C.R. No. 141	Jointly to the Committee on Human Services and the Committee on Health
S.C.R. No. 121	Jointly to the Committee on Higher Education and the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Education and Housing	S.C.R. No. 142	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Economic Development and Technology
S.C.R. No. 122	Jointly to the Committee on Higher Education and the Committee on Economic Development and Technology	S.C.R. No. 143	Jointly to the Committee on Human Services and the Committee on Public Safety and Military Affairs
S.C.R. No. 123	Committee on Higher Education, then to the Committee on Ways and Means	S.C.R. No. 144	Jointly to the Committee on Education and Housing and the Committee on Water, Land, Agriculture and Hawaiian Affairs
S.C.R. No. 124	Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Judiciary and Government Operations	S.C.R. No. 145	Committee on Health
S.C.R. No. 125	Committee on Water, Land, Agriculture and Hawaiian Affairs	S.C.R. No. 146	Jointly to the Committee on Education and Housing and the Committee on Higher Education
S.C.R. No. 126	Jointly to the Committee on Energy and Environment and the Committee on Transportation, International and Intergovernmental Affairs	S.C.R. No. 147	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Higher Education
S.C.R. No. 127	Committee on Transportation, International and Intergovernmental Affairs	S.C.R. No. 148	Committee on Education and Housing
S.C.R. No. 128	Committee on Health, then to the Committee on Ways and Means	S.C.R. No. 149	Committee on Education and Housing
S.C.R. No. 129	Committee on Judiciary and Government Operations	S.C.R. No. 150	Committee on Education and Housing
S.C.R. No. 130	Jointly to the Committee on Judiciary and Government Operations and the Committee on Commerce and Consumer Protection	S.C.R. No. 151	Committee on Education and Housing
S.C.R. No. 131	Committee on Labor, then to the Committee on Judiciary and Government Operations	S.C.R. No. 152	Committee on Economic Development and Technology
S.C.R. No. 132	Committee on Labor	S.C.R. No. 153	Committee on Higher Education
S.C.R. No. 133	Jointly to the Committee on Health and the Committee on Education and Housing	S.C.R. No. 154	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Economic Development and Technology and the Committee on Higher Education
S.C.R. No. 134	Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means	S.C.R. No. 155	Committee on Higher Education
S.C.R. No. 135	Committee on Human Services, then to the Committee on Ways and Means	S.C.R. No. 156	Committee on Water, Land, Agriculture and Hawaiian Affairs
S.C.R. No. 136	Committee on Health	S.C.R. No. 157	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Energy and Environment
S.C.R. No. 137	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Economic Development and Technology	S.C.R. No. 158	Committee on Health
S.C.R. No. 138	Committee on Economic Development and Technology	S.C.R. No. 159	Jointly to the Committee on Judiciary and Government Operations and the Committee on Ways and Means
		S.C.R. No. 160	Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Judiciary and Government Operations
		S.C.R. No. 161	Committee on Education and Housing, then to the Committee on Ways and Means
		S.C.R. No. 162	Committee on Commerce and Consumer Protection

S.C.R. No. 163	Committee on Health, then to the Committee on Ways and Means	S.C.R. No. 188	Jointly to the Committee on Education and Housing and the Committee on Higher Education, then to the Committee on Ways and Means
S.C.R. No. 164	Committee on Judiciary and Government Operations	S.C.R. No. 189	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Ways and Means
S.C.R. No. 165	Committee on Judiciary and Government Operations	S.C.R. No. 190	Jointly to the Committee on Higher Education and the Committee on Water, Land, Agriculture and Hawaiian Affairs
S.C.R. No. 166	Committee on Energy and Environment, then to the Committee on Ways and Means	S.C.R. No. 191	Jointly to the Committee on Education and Housing and the Committee on Energy and Environment
S.C.R. No. 167	Jointly to the Committee on Health and the Committee on Economic Development and Technology	REFERRAL OF SENATE RESOLUTIONS	
S.C.R. No. 168	Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means	The President made the following committee assignments of resolutions that were offered on Tuesday, March 17, 2009, and Wednesday, March 18, 2009:	
S.C.R. No. 169	Jointly to the Committee on Human Services and the Committee on Health	S.R. No.	Referred to:
S.C.R. No. 170	Committee on Health, then to the Committee on Ways and Means	S.R. No. 45	Jointly to the Committee on Energy and Environment and the Committee on Transportation, International and Intergovernmental Affairs
S.C.R. No. 171	Committee on Energy and Environment	S.R. No. 46	Committee on Judiciary and Government Operations
S.C.R. No. 172	Committee on Health	S.R. No. 47	Committee on Higher Education
S.C.R. No. 173	Committee on Water, Land, Agriculture and Hawaiian Affairs	S.R. No. 48	Committee on Transportation, International and Intergovernmental Affairs
S.C.R. No. 174	Committee on Education and Housing	S.R. No. 49	Jointly to the Committee on Education and Housing and the Committee on Water, Land, Agriculture and Hawaiian Affairs
S.C.R. No. 175	Committee on Education and Housing	S.R. No. 50	Committee on Education and Housing
S.C.R. No. 176	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Transportation, International and Intergovernmental Affairs and the Committee on Energy and Environment	S.R. No. 51	Committee on Education and Housing
S.C.R. No. 177	Committee on Education and Housing	S.R. No. 52	Committee on Education and Housing
S.C.R. No. 178	Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Judiciary and Government Operations	S.R. No. 53	Jointly to the Committee on Education and Housing and the Committee on Water, Land, Agriculture and Hawaiian Affairs
S.C.R. No. 179	Committee on Higher Education, then to the Committee on Judiciary and Government Operations	S.R. No. 54	Jointly to the Committee on Education and Housing and the Committee on Transportation, International and Intergovernmental Affairs
S.C.R. No. 180	Committee on Water, Land, Agriculture and Hawaiian Affairs	S.R. No. 55	Committee on Energy and Environment
S.C.R. No. 181	Committee on Water, Land, Agriculture and Hawaiian Affairs	S.R. No. 56	Committee on Public Safety and Military Affairs
S.C.R. No. 182	Committee on Transportation, International and Intergovernmental Affairs	S.R. No. 57	Jointly to the Committee on Higher Education and the Committee on Economic Development and Technology
S.C.R. No. 183	Committee on Economic Development and Technology	S.R. No. 58	Committee on Judiciary and Government Operations
S.C.R. No. 184	Committee on Public Safety and Military Affairs	S.R. No. 59	Committee on Higher Education
S.C.R. No. 185	Committee on Public Safety and Military Affairs, then to the Committee on Ways and Means	S.R. No. 60	Committee on Commerce and Consumer Protection
S.C.R. No. 186	Committee on Education and Housing	S.R. No. 61	Committee on Health
S.C.R. No. 187	Committee on Labor, then to the Committee on Ways and Means		

S.R. No. 62	Jointly to the Committee on Education and Housing and the Committee on Human Services	S.R. No. 85	Jointly to the Committee on Judiciary and Government Operations and the Committee on Commerce and Consumer Protection
S.R. No. 63	Committee on Education and Housing		
S.R. No. 64	Jointly to the Committee on Human Services and the Committee on Education and Housing	S.R. No. 86	Committee on Labor, then to the Committee on Judiciary and Government Operations
S.R. No. 65	Committee on Education and Housing	S.R. No. 87	Committee on Labor
S.R. No. 66	Committee on Judiciary and Government Operations, then to the Committee on Ways and Means	S.R. No. 88	Jointly to the Committee on Health and the Committee on Education and Housing
S.R. No. 67	Committee on Human Services	S.R. No. 89	Committee on Health
S.R. No. 68	Committee on Transportation, International and Intergovernmental Affairs	S.R. No. 90	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Economic Development and Technology
S.R. No. 69	Committee on Transportation, International and Intergovernmental Affairs	S.R. No. 91	Committee on Economic Development and Technology
S.R. No. 70	Committee on Judiciary and Government Operations	S.R. No. 92	Committee on Water, Land, Agriculture and Hawaiian Affairs
S.R. No. 71	Committee on Transportation, International and Intergovernmental Affairs	S.R. No. 93	Jointly to the Committee on Human Services and the Committee on Health
S.R. No. 72	Committee on Transportation, International and Intergovernmental Affairs	S.R. No. 94	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Economic Development and Technology
S.R. No. 73	Committee on Education and Housing, then to the Committee on Ways and Means	S.R. No. 95	Jointly to the Committee on Human Services and the Committee on Public Safety and Military Affairs
S.R. No. 74	Committee on Commerce and Consumer Protection	S.R. No. 96	Jointly to the Committee on Education and Housing and the Committee on Water, Land, Agriculture and Hawaiian Affairs
S.R. No. 75	Jointly to the Committee on Higher Education and the Committee on Human Services	S.R. No. 97	Committee on Health
S.R. No. 76	Committee on Judiciary and Government Operations	S.R. No. 98	Jointly to the Committee on Education and Housing and the Committee on Higher Education
S.R. No. 77	Committee on Water, Land, Agriculture and Hawaiian Affairs	S.R. No. 99	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Higher Education
S.R. No. 78	Committee on Transportation, International and Intergovernmental Affairs	S.R. No. 100	Committee on Education and Housing
S.R. No. 79	Jointly to the Committee on Health and the Committee on Human Services	S.R. No. 101	Committee on Education and Housing
S.R. No. 80	Jointly to the Committee on Higher Education and the Committee on Economic Development and Technology	S.R. No. 102	Committee on Education and Housing
S.R. No. 81	Committee on Water, Land, Agriculture and Hawaiian Affairs	S.R. No. 103	Committee on Education and Housing
S.R. No. 82	Jointly to the Committee on Energy and Environment and the Committee on Transportation, International and Intergovernmental Affairs	S.R. No. 104	Committee on Economic Development and Technology
S.R. No. 83	Committee on Transportation, International and Intergovernmental Affairs	S.R. No. 105	Committee on Higher Education
S.R. No. 84	Committee on Judiciary and Government Operations	S.R. No. 106	Committee on Higher Education
		S.R. No. 107	Committee on Water, Land, Agriculture and Hawaiian Affairs
		S.R. No. 108	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Energy and Environment

S.R. No. 109 Jointly to the Committee on Judiciary and Government Operations and the Committee on Ways and Means

S.R. No. 110 Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Judiciary and Government Operations

S.R. No. 111 Committee on Education and Housing, then to the Committee on Ways and Means

S.R. No. 112 Committee on Judiciary and Government Operations

S.R. No. 113 Committee on Commerce and Consumer Protection

S.R. No. 114 Committee on Judiciary and Government Operations

S.R. No. 115 Committee on Energy and Environment, then to the Committee on Ways and Means

S.R. No. 116 Jointly to the Committee on Human Services and the Committee on Health

S.R. No. 117 Committee on Energy and Environment

S.R. No. 118 Jointly to the Committee on Higher Education and the Committee on Water, Land, Agriculture and Hawaiian Affairs

S.R. No. 119 Jointly to the Committee on Education and Housing and the Committee on Energy and Environment

S.R. No. 120 Committee on Water, Land, Agriculture and Hawaiian Affairs

S.R. No. 121 Committee on Education and Housing

S.R. No. 122 Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Transportation, International and Intergovernmental Affairs and the Committee on Energy and Environment

S.R. No. 123 Committee on Education and Housing

S.R. No. 124 Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Judiciary and Government Operations

S.R. No. 125 Committee on Higher Education, then to the Committee on Judiciary and Government Operations

S.R. No. 126 Committee on Water, Land, Agriculture and Hawaiian Affairs

S.R. No. 127 Committee on Water, Land, Agriculture and Hawaiian Affairs

S.R. No. 128 Committee on Transportation, International and Intergovernmental Affairs

S.R. No. 129 Committee on Public Safety and Military Affairs

S.R. No. 130 Committee on Public Safety and Military Affairs, then to the Committee on Ways and Means

S.R. No. 131 Committee on Education and Housing

S.R. No. 132 Jointly to the Committee on Education and Housing and the Committee on Higher Education, then to the Committee on Ways and Means

S.R. No. 133 Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Ways and Means

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bill that was received:

H.B. No. Re-referred to:

H.B. No. 1809, H.D. 2 Jointly to the Committee on Energy and Environment and the Committee on Commerce and Consumer Protection and the Committee on Judiciary and Government Operations

ADJOURNMENT

At 12:05 p.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Tuesday, March 24, 2009.