

## FORTY-FIRST DAY

**Friday, April 3, 2009**

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2009, convened at 11:34 a.m. with the President in the Chair.

The Divine Blessing was invoked by Professor Linda Hamilton Krieger, University of Hawai'i, William S. Richardson School of Law, after which the Roll was called showing all Senators present with the exception of Senators English, Green, and Hemmings who were excused.

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

At this time, Senator Baker, with the assistance of Senator Galuteria, recognized and congratulated Henry Kaleialoha Allen, Hawaiian musician and living legend, on his Lifetime Achievement Award from the Hawai'i Music Foundation.

At 11:49 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 a.m.

**MESSAGE FROM THE GOVERNOR**

The following message from the Governor (Gov. Msg. No. 561) was read by the Clerk and was placed on file:

Gov. Msg. No. 561, informing the Senate that on April 1, 2009, the Governor withdrew the nomination of STANLEY T. KOKI to the Civil Rights Commission, under Gov. Msg. No. 349, dated January 29, 2009.

In compliance with Gov. Msg. No. 561, the nomination listed under Gov. Msg. No. 349 was returned.

**HOUSE COMMUNICATIONS**

The following communications from the House (Hse. Com. Nos. 357 to 372 ) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 357, informing the Senate that on April 2, 2009, the House reconsidered its action taken on March 27, 2009, in disagreeing to the amendments proposed by the Senate to H.B. No. 520, H.D. 1 (S.D. 1), was placed on file.

Hse. Com. No. 358, returning S.B. No. 715, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 2, 2009, was placed on file.

By unanimous consent, action on S.B. No. 715 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION, was deferred until Monday, April 6, 2009.

Hse. Com. No. 359, returning S.B. No. 823, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 2, 2009, was placed on file.

By unanimous consent, action on S.B. No. 823, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE, was deferred until Monday, April 6, 2009.

Hse. Com. No. 360, returning S.B. No. 108, which passed Third Reading in the House of Representatives on April 2, 2009, was placed on file.

Hse. Com. No. 361, returning S.B. No. 942, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 2009, was placed on file.

Hse. Com. No. 362, returning S.B. No. 1130, S.D. 2, which passed Third Reading in the House of Representatives on April 2, 2009, was placed on file.

Hse. Com. No. 363, returning S.C.R. No. 14, S.D. 1, which was adopted by the House of Representatives on April 2, 2009, was placed on file.

Hse. Com. No. 364, returning S.C.R. No. 15, S.D. 1, as amended in H.D. 1, which was adopted by the House of Representatives on April 2, 2009, was placed on file.

By unanimous consent, action on S.C.R. No. 15, S.D. 1 (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE FIRST WEEK IN FEBRUARY AS HAWAII TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK," was deferred until Monday, April 6, 2009.

Hse. Com. No. 365, returning S.C.R. No. 19, S.D. 1, which was adopted by the House of Representatives on April 2, 2009, was placed on file.

Hse. Com. No. 366, transmitting H.C.R. No. 42, which was adopted by the House of Representatives on April 2, 2009, was placed on file.

By unanimous consent, H.C.R. No. 42, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE TO ALLOW AVAILABLE SURPLUS HELICOPTERS TO BE USED FOR MEDICAL EVACUATION SERVICES," was referred jointly to the Committee on Public Safety and Military Affairs and the Committee on Health.

Hse. Com. No. 367, transmitting H.C.R. No. 49, H.D. 1, which was adopted by the House of Representatives on April 2, 2009, was placed on file.

By unanimous consent, H.C.R. No. 49, H.D. 1, entitled: "HOUSE 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," was referred jointly to the Committee on Economic Development and Technology and the Committee on Public Safety and Military Affairs .

Hse. Com. No. 368, transmitting H.C.R. No. 116, which was adopted by the House of Representatives on April 2, 2009, was placed on file.

By unanimous consent, H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTY OF KAUAI TO RESTORE PRINCE KUHIO PARK TO ITS FORMER CONFIGURATION," was referred to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Hse. Com. No. 369, transmitting H.C.R. No. 138, which was adopted by the House of Representatives on April 2, 2009, was placed on file.

By unanimous consent, H.C.R. No. 138, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REMOVE THE KA'OHE HOMESTEADS FROM THE GEOTHERMAL RESOURCES SUBZONE DESIGNATION," was referred to the Committee on Human Services .

Hse. Com. No. 370, transmitting H.C.R. No. 157, which was adopted by the House of Representatives on April 2, 2009, was placed on file.

By unanimous consent, H.C.R. No. 157, entitled: "HOUSE CONCURRENT RESOLUTION URGING PUBLIC AND PRIVATE AGENCIES TO ENCOURAGE THEIR PARENT CLIENTS TO TURN ON CLOSED CAPTIONING WHEN THEIR CHILDREN WATCH TELEVISION," was referred to the Committee on Human Services.

Hse. Com. No. 371, transmitting H.C.R. No. 162, which was adopted by the House of Representatives on April 2, 2009, was placed on file.

By unanimous consent, H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE IMPORTANCE OF BICYCLING," was referred to the Committee on Transportation, International and Intergovernmental Affairs.

Hse. Com. No. 372, transmitting H.C.R. No. 215, which was adopted by the House of Representatives on April 2, 2009, was placed on file.

By unanimous consent, H.C.R. No. 215, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW AND ASSESS THE POLICIES AND PROCEDURES IMPLEMENTED BY HOSPITALS TO REDUCE ELECTIVE CESAREAN SECTIONS AND INDUCTION OF LABOR," was referred to the Committee on Health.

#### STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1124) recommending that S.C.R. No. 35, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 35, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF ATHLETIC TRAINERS," was referred to the Committee on Ways and Means.

Senators Baker and Ige, for the Committee on Commerce and Consumer Protection and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 1125) recommending that S.C.R. No. 26, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 26, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURANCE COVERAGE FOR COLONOSCOPY COLORECTAL CANCER SCREENING," was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1126) recommending that S.C.R. No. 45, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1126 and S.C.R. No. 45, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF PROFESSIONAL EMPLOYER ORGANIZATIONS," was deferred until Monday, April 6, 2009.

Senators Gabbard and Espero, for the Committee on Energy and Environment and the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1127) recommending that S.C.R. No. 126, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1127 and S.C.R. No. 126, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE ELECTRIFICATION OF ENERGY EFFICIENT TRANSPORTATION SYSTEMS IN HAWAII," was deferred until Monday, April 6, 2009.

Senators Gabbard and Espero, for the Committee on Energy and Environment and the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1128) recommending that S.R. No. 82, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1128 and S.R. No. 82, S.D. 1, entitled: "SENATE RESOLUTION EXPRESSING SUPPORT FOR THE ELECTRIFICATION OF ENERGY EFFICIENT TRANSPORTATION SYSTEMS IN HAWAII," was deferred until Monday, April 6, 2009.

Senators Gabbard and Espero, for the Committee on Energy and Environment and the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1129) recommending that S.C.R. No. 74, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1129 and S.C.R. No. 74, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OBAMA ADMINISTRATION TO HOST A UNITED NATIONS CLIMATE CHANGE CONFERENCE IN HAWAII IN 2010," was deferred until Monday, April 6, 2009.

Senators Gabbard and Espero, for the Committee on Energy and Environment and the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1130) recommending that S.R. No. 45, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1130 and S.R. No. 45, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE OBAMA ADMINISTRATION TO HOST A UNITED NATIONS CLIMATE CHANGE CONFERENCE IN HAWAII IN 2010," was deferred until Monday, April 6, 2009.

Senators Hee and Espero, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Public Safety and Military Affairs, presented a joint report (Stand. Com. Rep. No. 1131) recommending that S.C.R. No. 72 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1131 and S.C.R. No. 72, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO COLLABORATE AND SHARE INFORMATION WITH THE DEPARTMENT OF AGRICULTURE TO PREVENT INVASIVE SPECIES FROM ENTERING THE STATE OF HAWAII," was deferred until Monday, April 6, 2009.

Senators Hee and Espero, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Public Safety and Military Affairs, presented a joint report (Stand. Com. Rep. No. 1132) recommending that S.R. No. 43, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1132 and S.R. No. 43, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO COLLABORATE AND SHARE INFORMATION WITH THE DEPARTMENT OF AGRICULTURE TO PREVENT

INVASIVE SPECIES FROM ENTERING THE STATE OF HAWAII," was deferred until Monday, April 6, 2009.

Senators Hee and Tokuda, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Higher Education, presented a joint report (Stand. Com. Rep. No. 1133) recommending that S.C.R. No. 73 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1133 and S.C.R. No. 73, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE UNIVERSITY OF HAWAII TO CONVENE MEETINGS WITH STAKEHOLDERS TO ADDRESS STEWARDSHIP ISSUES AND AFFIRM THE STATE'S COMMITMENT TO A COOPERATIVE RELATIONSHIP WITH THE VARIED MEMBERS OF THE COMMUNITY INTERESTED IN MAUNA KEA AND ITS UNIQUE SPIRITUAL, CULTURAL, HISTORICAL, AND NATURAL RESOURCES," was deferred until Monday, April 6, 2009.

Senators Hee and Tokuda, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Higher Education, presented a joint report (Stand. Com. Rep. No. 1134) recommending that S.R. No. 44, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1134 and S.R. No. 44, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE UNIVERSITY OF HAWAII TO CONVENE MEETINGS WITH STAKEHOLDERS TO ADDRESS STEWARDSHIP ISSUES AND AFFIRM THE STATE'S COMMITMENT TO A COOPERATIVE RELATIONSHIP WITH THE VARIED MEMBERS OF THE COMMUNITY INTERESTED IN MAUNA KEA AND ITS UNIQUE SPIRITUAL, CULTURAL, HISTORICAL, AND NATURAL RESOURCES," was deferred until Monday, April 6, 2009.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1135) recommending that S.C.R. No. 53 be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 53, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A REVIEW OF THE REGULATION OF REAL ESTATE APPRAISAL MANAGEMENT COMPANIES," was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1136) recommending that S.C.R. No. 61 be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 61, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE STATE BOXING COMMISSION OF HAWAII," was referred to the Committee on Ways and Means.

Senators Baker and Ige, for the Committee on Commerce and Consumer Protection and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 1137) recommending that S.C.R. No. 25, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and

S.C.R. No. 25, S.D. 1, entitled: "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," was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1138) recommending that H.C.R. No. 32, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1138 and H.C.R. No. 32, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING INTERNATIONAL WHITE RIBBON CAMPAIGNS TO END MEN'S VIOLENCE AGAINST WOMEN AND ENCOURAGING THE ESTABLISHMENT OF A WHITE RIBBON CAMPAIGN ORGANIZATION IN HAWAII," was deferred until Monday, April 6, 2009.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1139) recommending that H.C.R. No. 46, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1139 and H.C.R. No. 46, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO PRESERVE FUNDING AND MAINTAIN PROGRAMS, LAWS, REGULATIONS, AND POLICIES THAT ASSIST VICTIMS OF DOMESTIC VIOLENCE," was deferred until Monday, April 6, 2009.

#### **ORDER OF THE DAY ADVISE AND CONSENT**

Stand. Com. Rep. No. 1092 (Gov. Msg. No. 477):

Senator Nishihara moved that Stand. Com. Rep. No. 1092 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Nishihara then moved that the Senate advise and consent to the nomination of RONALD K. WILLIAMS to the Board of Directors of the Hawai'i Tourism Authority, term to expire June 30, 2010, seconded by Senator Galuteria.

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

Ayes, 20. Noes, none. Excused, 5 (Bunda, English, Green, Hemmings, Tsutsui).

Stand. Com. Rep. No. 1093 (Gov. Msg. No. 420):

By unanimous consent, action on Stand. Com. Rep. No. 1093 and Gov. Msg. No. 420 was deferred until Monday, April 6, 2009.

Stand. Com. Rep. No. 1094 (Gov. Msg. No. 458):

Senator Hee moved that Stand. Com. Rep. No. 1094 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of STEVEN L. ARCE to the Molokai Irrigation System Water Users Advisory Board, term to expire June 30, 2013, seconded by Senator Tokuda.

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

Ayes, 20. Noes, none. Excused, 5 (Bunda, English, Green, Hemmings, Tsutsui).

#### ADOPTION OF RESOLUTIONS

#### MATTERS DEFERRED FROM THURSDAY, APRIL 2, 2009

Stand. Com. Rep. No. 1101 (S.C.R. No. 86):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 86, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AN INVENTORY OF ALL TEXTBOOKS FOR ALL PUBLIC SCHOOLS," was adopted.

Stand. Com. Rep. No. 1102 (S.C.R. No. 150, 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. 150, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION 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," was adopted.

Stand. Com. Rep. No. 1103 (S.C.R. No. 149, 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. 149, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTS THE BOARD OF EDUCATION TO MODIFY PUBLIC HIGH SCHOOL GRADUATION REQUIREMENTS BY REQUIRING FIFTY HOURS OF COMMUNITY SERVICE FROM ALL STUDENTS AS PART OF THE DEPARTMENT OF EDUCATION'S CIVIC RESPONSIBILITY REQUIREMENT," was adopted.

Stand. Com. Rep. No. 1104 (S.C.R. No. 146):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 146, entitled: "SENATE CONCURRENT RESOLUTION 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," was adopted.

Stand. Com. Rep. No. 1105 (S.C.R. No. 88, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 88, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO ESTABLISH A TRANSIT ORIENTED DEVELOPMENT TASK FORCE TO FACILITATE MIXED-INCOME AND AFFORDABLE HOUSING IN TRANSIT ORIENTED DEVELOPMENTS BY BETTER COORDINATING TRANSPORTATION AND HOUSING PLANNING AND PROGRAMS," was adopted with Senator Slom voting "No".

Stand. Com. Rep. No. 1106 (S.C.R. No. 81):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 81, entitled: "SENATE CONCURRENT

RESOLUTION REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO REVIEW THE FEASIBILITY OF DEVELOPING SINGLE ROOM OCCUPANCY DWELLINGS IN TRANSIT ORIENTED DEVELOPMENT PROJECTS, TO ALLEVIATE THE AFFORDABLE HOUSING SHORTAGE," was adopted with Senator Slom voting "No".

Stand. Com. Rep. No. 1107 (S.C.R. No. 29, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 29, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS TO RAISE MEDICARE FEE SCHEDULE PAYMENT AMOUNTS FOR PHYSICIANS RENDERING SERVICES IN HAWAII," was adopted.

Stand. Com. Rep. No. 1108 (S.C.R. No. 27, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 27, S.D. 1, entitled: "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," was adopted.

Stand. Com. Rep. No. 1109 (S.C.R. No. 50):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 50, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR THE ANE KEOHOKALOHE HIGHWAY EXTENSION, MID-LEVEL ROAD, IN THE COUNTY OF HAWAII," was adopted.

Stand. Com. Rep. No. 1110 (S.R. No. 30):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 30, entitled: "SENATE RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR THE ANE KEOHOKALOHE HIGHWAY EXTENSION, MID-LEVEL ROAD, IN THE COUNTY OF HAWAII," was adopted.

Stand. Com. Rep. No. 1111 (S.C.R. No. 119):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 119, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE IMPORTANCE OF BICYCLING," was adopted.

Stand. Com. Rep. No. 1112 (S.R. No. 78):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 78, entitled: "SENATE RESOLUTION RECOGNIZING THE IMPORTANCE OF BICYCLING," was adopted.

Stand. Com. Rep. No. 1113 (S.C.R. No. 80):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 80, entitled: "SENATE CONCURRENT RESOLUTION URGING NONPROFIT ORGANIZATIONS AND COMMUNITY GROUPS TO ESTABLISH SAFETY PROCEDURES FOR ROADSIDE SOLICITATION OF FUNDS AND DONATED GOODS," was adopted.

Stand. Com. Rep. No. 1114 (S.R. No. 48):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R.

No. 48, entitled: "SENATE RESOLUTION URGING NONPROFIT ORGANIZATIONS AND COMMUNITY GROUPS TO ESTABLISH SAFETY PROCEDURES FOR ROADSIDE SOLICITATION OF FUNDS AND DONATED GOODS," was adopted.

Stand. Com. Rep. No. 1115 (S.C.R. No. 127):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 127, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ADOPT THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES," was adopted with Senator Slom voting "No".

Stand. Com. Rep. No. 1116 (S.R. No. 83):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 83, entitled: "SENATE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ADOPT THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES," was adopted with Senator Slom voting "No".

Stand. Com. Rep. No. 1117 (S.C.R. No. 109):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 109, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE ESTABLISHMENT OF A FERRY SYSTEM FROM THE HOAKALEI RESORT AND MARINA IN EWA BEACH TO DOWNTOWN HONOLULU," was adopted.

Stand. Com. Rep. No. 1118 (S.R. No. 68):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 68, entitled: "SENATE RESOLUTION ENCOURAGING THE ESTABLISHMENT OF A FERRY SYSTEM FROM THE HOAKALEI RESORT AND MARINA IN EWA BEACH TO DOWNTOWN HONOLULU," was adopted.

Stand. Com. Rep. No. 1119 (S.C.R. No. 62, 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. 62, S.D. 1, entitled: "SENATE 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 HAWAI'I FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS," was adopted.

Stand. Com. Rep. No. 1120 (S.R. No. 36, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 36, S.D. 1, entitled: "SENATE RESOLUTION 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," was adopted.

Stand. Com. Rep. No. 1121 (H.C.R. No. 5, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and

H.C.R. No. 5, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING FAITH-BASED ORGANIZATIONS TO NETWORK AND COOPERATE TO SUPPORT FOSTER FAMILIES IN HAWAII," was adopted.

Stand. Com. Rep. No. 1122 (H.C.R. No. 39, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 39, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE MONTH OF MAY AS "FOSTER CARE AWARENESS MONTH", A TIME TO EDUCATE THE PUBLIC ABOUT THE VARIOUS COMPONENTS OF FOSTER CARE, INCLUDING FOSTER PARENTS, CHILDREN, AND FAMILIES," was adopted.

### THIRD READING

H.B. No. 1186, H.D. 1:

Senator Sakamoto moved that H.B. No. 1186, H.D. 1 pass Third Reading, seconded by Senator Hee.

Senator Slom rose in opposition to the measure and stated:

"I think the intent of the measure is good. We want more affordable housing. But I'm afraid that this measure goes in the opposite direction by removing options, particularly when we're talking about the cash in lieu of payment option. As it was testified by the various government agencies involved, this actually diminishes their flexibility and diminishes, in times of downturn, the ability to use money or cash for additional options in additional land transactions for affordable housing. So I would ask my colleagues, if they're concerned about affordable housing, to vote 'no' on this bill. Thank you."

Senator Sakamoto rose in support of the measure and stated:

"I understand some of the concerns that our colleague has brought up. Historically, many times the cash that has come in hasn't been used or hasn't been sufficient to build affordable housing or affordable rentals. The concern has been that if the cash isn't used or is not enough to actually build more affordable units, then we'd prefer to actually have the units themselves than the cash that's inadequate."

The motion was put by the Chair and carried, H.B. No. 1186, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING DEVELOPMENT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 1 (Slom). Excused, 5 (Bunda, English, Green, Hemmings, Tsutsui).

### RE-REFERRAL OF HOUSE BILL

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

H.B. No.

Re-referred to:

H.B. No. 1713, H.D. 2, S.D. 1

Committee on Public Safety and Military Affairs, then jointly to the Committee on Judiciary and Government Operations and the Committee on Ways and Means

At this time, the Chair made the following announcement:

"The deadline to file committee reports on Senate concurrent resolutions that need to move laterally to final committee is 4:30 p.m. today in the Clerk's office."

### STANDING COMMITTEE REPORTS

On motion by Senator Sakamoto, seconded by Senator Slom and carried unanimously, the Senate authorized the adoption of

standing committee reports recommending that Senate concurrent resolutions and Senate resolutions be referred to committees of last referral. In consequence thereof and subsequent to its recessing at 12:06 p.m., the Senate took the following actions on the following resolutions and standing committee reports:

Senators Sakamoto and Tokuda, for the Committee on Education and Housing and the Committee on Higher Education, presented a joint report (Stand. Com. Rep. No. 1140) recommending that S.C.R. No. 188, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 188, S.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 referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1141) recommending that S.C.R. No. 106, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 106, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR WEIGHT MANAGEMENT AND OBESITY PREVENTION FOR CHILDREN," was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1142) recommending that S.C.R. No. 163, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 163, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE BEST PRACTICES AVAILABLE FOR PROTECTING CERTAIN EMPLOYEES FROM LONG TERM EXPOSURE TO HAZARDOUS WASTES," was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1143) recommending that S.C.R. No. 170, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 170, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE LEGISLATURE TO CONVENE A HAWAII HEALTH CARE SUMMIT TO DEVELOP A STRATEGIC AND COMPREHENSIVE PLAN FOR HEALTH CARE IN HAWAII," was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1144) recommending that S.C.R. No. 78 be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 78, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SEAWARD OF TAX MAP KEY: (2) 4-3-2: 27, AT KAAPALI, MAUI, FOR CONCRETE PIER BLOCK REMNANTS PURPOSES," was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1145) recommending that S.C.R. No. 135, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 135, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE AVAILABILITY OF AMERICAN SIGN LANGUAGE INTERPRETERS," was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1146) recommending that S.C.R. No. 168 be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 168, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR HEARING AIDS," was referred to the Committee on Ways and Means.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 1147) recommending that S.C.R. No. 108, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 108, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A JOINT LEGISLATIVE PROCUREMENT WORKING GROUP TO EVALUATE THE STATE PROCUREMENT CODE AND RECOMMEND IMPROVEMENTS," was referred to the Committee on Ways and Means.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 1148) recommending that S.R. No. 66, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 66, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE FORMATION OF A JOINT LEGISLATIVE PROCUREMENT WORKING GROUP TO EVALUATE THE STATE PROCUREMENT CODE AND RECOMMEND IMPROVEMENTS," was referred to the Committee on Ways and Means.

Senator Takamine, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1149) recommending that S.C.R. No. 131, as amended in S.D. 1, be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 131, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A JOINT AGENCY STUDY

ON THE IMPACT OF ILLEGAL IMMIGRATION IN HAWAII," was referred to the Committee on Judiciary and Government Operations.

Senator Takamine, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1150) recommending that S.R. No. 86, as amended in S.D. 1, be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 86, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A JOINT AGENCY STUDY ON THE IMPACT OF ILLEGAL IMMIGRATION IN HAWAII," was referred to the Committee on Judiciary and Government Operations.

Senator Takamine, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1151) recommending that S.C.R. No. 68, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 68, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A MANAGEMENT AND PERFORMANCE AUDIT OF THE BOARD OF TRUSTEES OF THE STATE DEFERRED COMPENSATION PLAN AND PLAN ADMINISTRATORS CONTRACTED BY THE BOARD," was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1152) recommending that S.C.R. No. 166, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 166, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO CONDUCT AUDITS OF THE PRODUCERS OF LIQUID FUEL FOR THEIR COMPLIANCE IN REPORTING THE ENVIRONMENTAL RESPONSE TAX AND LIQUID FUEL LICENSE TAX," was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1153) recommending that S.R. No. 115, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 115, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO CONDUCT AUDITS OF THE PRODUCERS OF LIQUID FUEL FOR THEIR COMPLIANCE IN REPORTING THE ENVIRONMENTAL RESPONSE TAX AND LIQUID FUEL LICENSE TAX," was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 1154) recommending that S.C.R. No. 185, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 185, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO EXAMINE THE RATIONALE AND MANAGEMENT OF THE HAWAII PAROLING AUTHORITY," was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 1155) recommending that S.R. No. 130, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 130, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE STATE AUDITOR TO EXAMINE THE RATIONALE AND MANAGEMENT OF THE HAWAII PAROLING AUTHORITY," was referred to the Committee on Ways and Means.

#### **REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of House concurrent resolutions that were received on Tuesday, March 31, 2009, and Thursday, April 2, 2009:

H.C.R. No.	Referred to:
H.C.R. No. 4, H.D. 1	Committee on Human Services
H.C.R. No. 69	Committee on Human Services
H.C.R. No. 144	Jointly to the Committee on Transportation, International and Intergovernmental Affairs and the Committee on Human Services

#### **ADJOURNMENT**

At 4:30 p.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Monday, April 6, 2009.