

THE SENATE
OF THE
TWENTY-FIFTH LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 2010

THIRTY-NINTH DAY

MARCH 29, 2010-MONDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by Pastor Frank Diehl
Tree of Life Christian Ministries

Roll Call

Approval of the Journal

Introductions

- Floor Presentations:

RECOGNIZING AND CONGRATULATING THE UNITED STATES SMALL BUSINESS ADMINISTRATION'S STATE OF HAWAII 2010 SMALL BUSINESS AWARD RECIPIENTS. (Senator Fukunaga)

RECOGNIZING AND HONORING UNITED FISHING AGENCY, LTD. (Senator Taniguchi)

1. Messages from the Governor: No. 382

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 382	Dated March 18, 2010, transmitting the Employees' Retirement System's Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2008.	FILE

2. Departmental Communication No. 78

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
D.C. No. 78	From the Office of Elections dated March 23, 2010, transmitting the Notice of Award to Hart Intercivic, issued March 16, 2010, pursuant to Act 162, Section 56, SLH 2009.	FILE

3. House Communication Nos. 277-281

		<u>REFERRAL</u>
	Informing the Senate that on March 24, 2010, the following House Concurrent Resolutions were adopted in the House:	
277	H.C.R. No. 51 "DECLARING THE SECOND WEEK IN OCTOBER AS CASE MANAGEMENT WEEK."(Case Management Week)	
278	H.C.R. No. 203 "RECOGNIZING THE EFFORTS OF THE KAUAI BEEKEEPERS ASSOCIATION AND OTHER KEY STAKEHOLDERS FOR THEIR EFFORTS TO ASSIST THE DEPARTMENT OF AGRICULTURE WITH EDUCATION AND PREVENTION OF THE VARROA MITE AND OTHER INVASIVE SPECIES."(Kauai Bee Keepers Association)	
279	H.C.R. No. 230 "URGING THE HAWAII CLEAN ENERGY INITIATIVE END-USE EFFICIENCY WORKING GROUP TO CONVENE DEVELOPMENT AND BUILDING INDUSTRY STAKEHOLDERS TO IDENTIFY BARRIERS TO IMPLEMENTATION AND WORK TOWARDS A CONSENSUS POSITION TO PROMOTE THE DESIGN AND CONSTRUCTION OF NET ZERO ENERGY BUILDINGS."(Hawaii Clean Energy Initiative End-Use Efficiency Working Group)	

280 [H.C.R. No. 265](#)
"REQUESTING THE AUDITOR TO
CONDUCT A FINANCIAL AUDIT OF THE
HAWAII AIR NATIONAL GUARD."(Hawaii
Air National Guard; Financial Audit)

281 [H.C.R. No. 266](#)
"STRONGLY URGING THE UNIVERSITY OF
HAWAII AND LEAHI HOSPITAL TO REACH
A JOINT AGREEMENT ON A
COORDINATED MASTER PLAN TO
PROVIDE INNOVATIVE LONG-TERM CARE
SERVICES."(Leahi Hospital)

4. Senate Communications: None
5. Judiciary Communications: None
6. Standing Committee Report Nos. 2855-2886

[2855](#)
(One Day Notice)

(EDH/TIA)

[S.C.R. No. 93, S.D. 1](#)

"REQUESTING A REVIEW OF THE
FEASIBILITY OF DEVELOPING SINGLE
ROOM OCCUPANCY DWELLINGS IN
TRANSIT ORIENTED DEVELOPMENT
PROJECTS TO ALLEVIATE THE
AFFORDABLE HOUSING SHORTAGE."
(AMENDED TITLE)
(Recommends Adoption)

[2856](#)
(One Day Notice)

(EDH/TIA)

[S.C.R. No. 117, S.D. 1](#)

"SUPPORTING THE BUILDING OF
MODULAR AND FACTORY
MANUFACTURED HOMES IN HAWAII."
(Recommends Adoption)

[2857](#)
(One Day Notice)

(EDH)

[S.C.R. No. 107, S.D. 1](#)

"REQUESTING A REPORT TO THE LEGISLATURE REGARDING INFORMATION ON THE PUBLIC SCHOOL JUNIOR KINDERGARTEN PROGRAM."

(Recommends Adoption)

[2858](#)
(One Day Notice)

(HRE/EDH)

[S.C.R. No. 103, S.D. 1](#)

"REQUESTING A REPORT ON THE FEASIBILITY OF CREATING A VOCATIONAL/TECHNICAL EDUCATION LEARNING CENTER AT HONOLULU COMMUNITY COLLEGE."

(Recommends Adoption)

[2859](#)
(One Day Notice)

(HTH)

[S.C.R. No. 156, S.D. 1](#)

"REQUESTING THE DIRECTOR OF HEALTH TO PROMOTE THE USE OF XYLITOL FOR ITS PREVENTIVE AND THERAPEUTIC HEALTH AND ORAL HEALTH BENEFITS AND TO APPROPRIATELY INCORPORATE XYLITOL INTO THE HEALTHY HAWAII INITIATIVE." (AMENDED TITLE)

(Recommends Adoption)

[2860](#)
(One Day Notice)

(WTL)

[S.C.R. No. 217, S.D. 1](#)

"REQUESTING A FEASIBILITY STUDY ON THE CONTRACTING OF THIRD PARTY AGENTS TO INSPECT AND CERTIFY HAWAII-GROWN GREEN COFFEE BEANS."

(Recommends Adoption)

<u>2861</u> (48 Hrs. Notice)	(HTH/HMS)	<u>H.B. No. 2157, H.D. 1, S.D. 1</u> "RELATING TO EXPANDED ADULT RESIDENTIAL CARE HOMES." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
<u>2862</u> (48 Hrs. Notice)	(JGO)	<u>H.B. No. 2397, H.D. 1, S.D. 1</u> "RELATING TO PRIMARY ELECTIONS." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
<u>2863</u> (48 Hrs. Notice)	(JGO)	<u>H.B. No. 2784, H.D. 1, S.D. 1</u> "RELATING TO SMALL CLAIMS COURT." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
<u>2864</u> (48 Hrs. Notice)	(JGO)	<u>H.B. No. 840, H.D. 1, S.D. 1</u> "RELATING TO CHARGING BY WRITTEN INFORMATION." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
<u>2865</u> (48 Hrs. Notice)	(JGO)	<u>H.B. No. 1019, H.D. 1, S.D. 1</u> "RELATING TO THE PENAL CODE." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
<u>2866</u> (48 Hrs. Notice)	(JGO)	<u>H.B. No. 1862, H.D. 1, S.D. 1</u> "RELATING TO PUBLIC ORDER." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)

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| 2867
(48 Hrs. Notice) | (JGO) | H.B. No. 1863, H.D. 1, S.D. 1
"RELATING TO PROSTITUTION."
(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading) |
| 2868 | (HTH) | S.C.R. No. 210, S.D. 1
"REQUESTING THE ESTABLISHMENT OF AN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS REGARDING THE CREATION OF A HAWAII ALL-PAYER HEALTH CLAIMS DATABASE FOR THE PURPOSE OF TRANSPARENT PUBLIC REPORTING OF HEALTH CARE INFORMATION."
(Recommends referral to CPN) |
| 2869 | (HTH) | S.C.R. No. 212, S.D. 1
"REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO EXAMINE THE FEASIBILITY OF LOWERING THE AGE OF PHARMACY-ADMINISTERED VACCINATION RECIPIENTS TO NINE YEARS OLD."
(Recommends referral to CPN) |
| 2870 | (HTH) | S.R. No. 108, S.D. 1
"REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO EXAMINE THE FEASIBILITY OF LOWERING THE AGE OF PHARMACY-ADMINISTERED VACCINATION RECIPIENTS TO NINE YEARS OLD."
(Recommends referral to CPN) |

- [2871](#) (HTH) [S.C.R. No. 42, S.D. 1](#)
"EXPRESSING SUPPORT FOR LOCAL ACCOUNTABILITY OF DRUG FORMULARIES AND DRUG PRIOR AUTHORIZATION POLICIES."
(Recommends referral to CPN)
- [2872](#) (HTH) [S.R. No. 27, S.D. 1](#)
"EXPRESSING SUPPORT FOR LOCAL ACCOUNTABILITY OF DRUG FORMULARIES AND DRUG PRIOR AUTHORIZATION POLICIES."
(Recommends referral to CPN)
- [2873](#) (HTH) [S.C.R. No. 155, S.D. 1](#)
"REQUESTING THE ATTORNEY GENERAL TO REVIEW THE GUARDIANSHIP PROCESS WITH RESPECT TO THE ISSUE OF PATIENTS IN HOSPITALS WHO ARE WAITLISTED FOR POST-ACUTE CARE."
(Recommends referral to JGO)
- [2874](#) (HTH) [S.C.R. No. 113, S.D. 1](#)
"REQUESTING THE ESTABLISHMENT OF A COMMITTEE TO DEVELOP A PLAN TO STUDY AND IMPLEMENT STRUCTURAL AND OPERATIONAL IMPROVEMENTS TO INCREASE THE EFFECTIVENESS OF THE HAWAII HEALTH SYSTEMS CORPORATION AND ITS REGIONS."
(Recommends referral to WAM)

- [2875](#) (HTH) [S.R. No. 43, S.D. 1](#)
"REQUESTING THE ESTABLISHMENT OF A COMMITTEE TO DEVELOP A PLAN TO STUDY AND IMPLEMENT STRUCTURAL AND OPERATIONAL IMPROVEMENTS TO INCREASE THE EFFECTIVENESS OF THE HAWAII HEALTH SYSTEMS CORPORATION AND ITS REGIONS."
(Recommends referral to WAM)
- [2876](#) (HTH) [S.C.R. No. 122, S.D. 1](#)
"REQUESTING THE HAWAII STATE LEGISLATURE TO CONVENE A HAWAII HEALTH CARE SUMMIT TO DEVELOP A STRATEGIC AND COMPREHENSIVE PLAN FOR HEALTH CARE IN HAWAII."
(Recommends referral to WAM)
- [2877](#) (HTH) [S.C.R. No. 146, S.D. 1](#)
"REQUESTING THE CONVENING OF A HEALTH CARE REFORM TASK FORCE TO EVALUATE METHODS TO IMPROVE THE QUALITY, SAFETY, EFFICIENCY, AND COST OF HAWAII'S HEALTH CARE SYSTEM, TO REDUCE MEDICAL ERRORS AND INCREASE PATIENT SAFETY, TO SEEK SOLUTIONS TO ELIMINATE DOCTOR SHORTAGES, AND TO ADDRESS THE ROLE AND IMPACT OF THE LEGAL SYSTEM IN COMPENSATING VICTIMS INJURED BECAUSE OF MEDICAL ERRORS."
(Recommends referral to WAM)

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| <u>2878</u> | (HTH/CPN) | <u>S.C.R. No. 12, S.D. 1</u>
"REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR HEARING AIDS."
(Recommends referral to WAM) |
| <u>2879</u> | (WTL) | <u>S.C.R. No. 57, S.D. 1</u>
"APPROVING THE FEE SIMPLE SALE OF THE NORTHWEST CORNER PARCEL, KAPOLEI, HAWAII."
(Recommends referral to WAM) |
| <u>2880</u> | (WTL) | <u>S.C.R. No. 58, S.D. 1</u>
"APPROVING THE FEE SIMPLE SALE OF A 9.105 ACRE VACANT PARCEL IN VILLAGE 8, THE VILLAGES OF KAPOLEI, KAPOLEI, HAWAII."
(Recommends referral to WAM) |
| <u>2881</u> | (WTL) | <u>S.C.R. No. 59, S.D. 1</u>
"APPROVING THE FEE SIMPLE SALE OF KEKUILANI VILLAGE 4, THE VILLAGES OF KAPOLEI, KAPOLEI, HAWAII."
(Recommends referral to WAM) |
| <u>2882</u>
(One Day Notice) | (EDT/EDH/WTL/HRE) | <u>S.C.R. No. 147, S.D. 1</u>
"CONVENING A WORKING GROUP TO EXAMINE FARM TO SCHOOL MODELS."
(Recommends Adoption) |
| <u>2883</u>
(One Day Notice) | (EDT/EDH/WTL/HRE) | <u>S.R. No. 67, S.D. 1</u>
"CONVENING A WORKING GROUP TO EXAMINE FARM TO SCHOOL MODELS."
(Recommends Adoption) |

[2884](#) (HTH)
(One Day Notice)

[S.C.R. No. 178, S.D. 1](#)
"URGING HAWAII HEALTH SYSTEMS CORPORATION HOSPITALS AND CLINICS TO ACCEPT MEDICAL STUDENT ROTATIONS FROM A.T. STILL UNIVERSITY SCHOOL OF OSTEOPATHIC MEDICINE BASED OUT OF THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER, THE UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE, AND OTHER HAWAII-BASED MEDICAL SCHOOLS."
(Recommends Adoption)

[2885](#) (WTL)
(One Day Notice)

[S.C.R. No. 208, S.D. 1](#)
"REQUESTING THE GOVERNOR TO AMEND EXECUTIVE ORDER NO. 3665 THAT SET ASIDE LANDS FOR A GOLF COURSE AND TO RE-DEDICATE THOSE LANDS FOR A REGIONAL PARK."
(Recommends Adoption)

[2886](#) (WTL)
(One Day Notice)

[S.R. No. 106, S.D. 1](#)
"REQUESTING THE GOVERNOR TO AMEND EXECUTIVE ORDER NO. 3665 THAT SET ASIDE LANDS FOR A GOLF COURSE AND TO RE-DEDICATE THOSE LANDS FOR A REGIONAL PARK."
(Recommends Adoption)

ORDER OF THE DAY

7. Adopt Resolutions

[2851](#)

TIA

[S.C.R. No. 126](#)

"URGING THE UNITED NATIONS TO GRANT TAIWAN MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION."

[Testimony](#) [Prior Versions](#) [Status](#)

8. Third Reading

[\(See Stand. Com. Rep. No. 2844\)](#)

[Testimony](#) [Prior Versions](#) [Status](#)

[H.B. No. 2351, S.D. 1](#)

"RELATING TO VETERANS." - (PSM/TIA)

(Veterans' License Plates)

[\(See Stand. Com. Rep. No. 2852\)](#)

[Testimony](#) [Prior Versions](#) [Status](#)

[H.B. No. 1868, H.D. 1](#)

"RELATING TO CIVIL SERVICE." - (LBR)

(Civil Service; Leaves of Absence)

[\(See Stand. Com. Rep. No. 2853\)](#)

[Testimony](#) [Prior Versions](#) [Status](#)

[H.B. No. 2289, H.D. 2, S.D. 1](#)

"RELATING TO GIFT CERTIFICATES." -
(CPN)

(Gift Certificates)

[\(See Stand. Com. Rep. No. 2854\)](#)

[Testimony](#) [Prior Versions](#) [Status](#)

[H.B. No. 1927, H.D. 2, S.D. 1](#)

"RELATING TO OWNER-BUILDERS." -
(CPN/TIA)

(Contractors; Owner-Builders)

9. Referrals and Re-Referrals

RE-REFERRALS FOR MONDAY, MARCH 29, 2010

<u>MEASURE</u>	<u>TITLE</u>	<u>RE-REFERRAL</u>
H.B. 2267, H.D. 1	RELATING TO PUBLIC CHARTER SCHOOLS. (Public Charter Schools; Funding) (EDH, WAM)	WAM
S.C.R. 124	REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR WEIGHT MANAGEMENT AND OBESITY TREATMENT FOR CHILDREN. (Obesity treatment for children; insurance; Auditor report) (HTH/CPN, WAM)	HTH/CPN

10. Miscellaneous Communications: None

11. Miscellaneous Business

12. Announcements

- Floor Presentations for Tuesday, March 30, 2010:

COMMENDING AND CONGRATULATING HAWAI'I PERMANENTE MEDICAL GROUP FOR FIFTY YEARS OF COMPREHENSIVE, COORDINATED AND COMPASSIONATE MEDICAL CARE. (Senator Ige)

HONORING AND COMMENDING THE ENVIRONMENTAL REVIEW WORKING GROUP. (Senator Gabbard)

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
TIA	3/29/2010 1:15 PM	224
HMS	3/29/2010 1:20 PM	016
HMS/TIA	3/29/2010 1:20 PM	224
PSM/TIA	3/29/2010 1:30 PM	224
EDT	3/29/2010 2:30 PM	229
EDT/WTL	3/29/2010 2:45 PM	229
HTH	3/29/2010 2:45 PM	016
TIA/WTL	3/29/2010 3:15 PM	229
WTL	3/29/2010 3:15 PM	229
WTL/TIA	3/29/2010 3:30 PM	229
WAM	3/30/2010 9:30 AM	211
WAM	3/30/2010 9:45 AM	211
JGO	3/30/2010 10:00 AM	016
WAM	3/30/2010 10:00 AM	211
HMS/JGO	3/30/2010 10:05 AM	016
HRE	3/30/2010 1:15 PM	225
ENE/TSM	3/30/2010 2:45 PM	225
LBR	3/30/2010 2:45 PM	224
ENE	3/30/2010 3:00 PM	225
JGO/WAM	3/31/2010 9:30 AM	211
WAM	3/31/2010 9:30 AM	211
CPN	3/31/2010 10:00 AM	229
EDH/EDT/HRE	3/31/2010 1:15 PM	016
EDT	3/31/2010 1:15 PM	016
EDT	3/31/2010 1:45 PM	016
EDH/WTL	3/31/2010 2:45 PM	229
WTL	3/31/2010 3:00 PM	229
WTL	3/31/2010 3:15 PM	229
PSM/HRE	4/1/2010 1:15 PM	229

PSM	4/1/2010 1:20 PM	229
PSM/EDT	4/8/2010 1:30 PM	229
HMS	4/13/2010 1:15 PM	016

- Senate Session will convene at 11:30 a.m. on Tuesday, March 30, 2010.

13. Adjournment