

TWENTY-EIGHTH DAY

Friday, March 10, 2006

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Roy Goshi-Otaguro, Pan-American MOA Foundation, after which the Roll was called showing all Senators present with the exception of Senator Menor who was excused.

The President announced that he had read and approved the Journal of the Twenty-Seventh Day.

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:54 o'clock a.m.

HOUSE COMMUNICATION

Hse. Com. No. 348, transmitting H.C.R. No. 30, H.D. 1, which was adopted by the House of Representatives on March 9, 2006, was read by the Clerk and was placed on file.

By unanimous consent, action on H.C.R. No. 30, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO IMMEDIATELY RESCIND BOTH ITS REQUEST FOR PROPOSALS AND ANY CONTRACT OR AGREEMENT AWARDED, OR COMMITMENT MADE, TO ALEXANDER & BALDWIN PROPERTIES, INC., FOR THE DEVELOPMENT OF KAKAAKO MAKAI," was deferred until Monday, March 13, 2006.

SENATE COMMUNICATION

Sen. Com. No. 2, notice to the Governor dated March 10, 2006, transmitting S.B. No. 679, S.D. 1; S.B. No. 2148, S.D. 1; S.B. No. 2246, S.D. 1; and S.B. No. 2797, S.D. 1, which propose amendments to the Hawaii State Constitution, was read by the Clerk and was disposed of as follows:

By unanimous consent, the following notice was sent to the Governor:

"March 10, 2006

The Honorable Linda Lingle
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following bill(s), a copy of which is attached hereto:

S.B. No. 679, S.D. 1
'PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO TESTIMONY OF DEFENDANTS IN CRIMINAL CASES.'

S.B. No. 2148, S.D. 1

'PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ATTORNEY GENERAL.'

S.B. No. 2246, S.D. 1
'PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT.'

S.B. No. 2797, S.D. 1
'PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION RELATING TO JUDGES.'

Respectfully,

/s/ Paul T. Kawaguchi
PAUL T. KAWAGUCHI
Clerk of the Senate"

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 53 to 56) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 53 "SENATE CONCURRENT RESOLUTION SUPPORTING THE RELOCATION OF THE PACIFIC CENTER FOR RESIDENTIAL REHABILITATION PROGRAM TO THE HILO VETERANS HOME."

Offered by: Senator Inouye.

No. 54 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO INCLUDE 'CYBER BULLYING' AS A FORM OF HARASSMENT WHEN REVIEWING CHAPTER 8-19 OF ITS ADMINISTRATIVE RULES."

Offered by: Senator Menor.

No. 55 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE ISSUE OF RECLASSIFYING VARIABLE ANNUITY CONTRACTS AS INSURANCE RATHER THAN SECURITIES."

Offered by: Senator Menor.

No. 56 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PREPARE A PLAN TO REDUCE THE FERAL PIG POPULATION IN THE TANTALUS AREA."

Offered by: Senator Fukunaga.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 33 to 35) were read by the Clerk and were deferred:

Senate Resolution

No. 33 "SENATE RESOLUTION SUPPORTING THE RELOCATION OF THE PACIFIC CENTER FOR

RESIDENTIAL REHABILITATION PROGRAM TO THE HILO VETERANS HOME.”

Offered by: Senator Inouye.

No. 34 “SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO INCLUDE ‘CYBER BULLYING’ AS A FORM OF HARASSMENT WHEN REVIEWING CHAPTER 8-19 OF ITS ADMINISTRATIVE RULES.”

Offered by: Senator Menor.

No. 35 “SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE ISSUE OF RECLASSIFYING VARIABLE ANNUITY CONTRACTS AS INSURANCE RATHER THAN SECURITIES.”

Offered by: Senator Menor.

STANDING COMMITTEE REPORT

Senator Ige, for the Committee on Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2919) recommending that S.C.R. No. 7, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2919 and S.C.R. No. 7, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO RELEASE \$4,500,000 TO RENOVATE AND BUILD A COMMUNITY CENTER AT THE MAKIKI COMMUNITY LIBRARY,” was deferred until Monday, March 13, 2006.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 2917 (Gov. Msg. No. 276):

Senator Chun Oakland moved that Stand. Com. Rep. No. 2917 be received and placed on file, seconded by Senator Ihara and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of PATRICIA LOCKWOOD to the Statewide Council on Independent Living, term to expire June 30, 2009, seconded by Senator Ihara.

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

Ayes, 23. Noes, none. Excused, 2 (Ige, Menor).

Stand. Com. Rep. No. 2918 (Gov. Msg. No. 291):

Senator Chun Oakland moved that Stand. Com. Rep. No. 2918 be received and placed on file, seconded by Senator Ihara and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of RENE BERTHIAUME to the State Rehabilitation Council, term to expire June 30, 2009, seconded by Senator Ihara.

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

Ayes, 23. Noes, none. Excused, 2 (Ige, Menor).

ADOPTION OF RESOLUTION

MATTER DEFERRED FROM THURSDAY, MARCH 9, 2006

Stand. Com. Rep. No. 2916 (S.C.R. No. 6, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and S.C.R. No. 6, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION URGING PRESIDENT BUSH AND THE UNITED STATES CONGRESS TO NOT PRIVATIZE SOCIAL SECURITY,” was adopted, with Senators Hemmings, Hogue, Slom, Trimble and Whalen voting “No.”

Senator Hemmings rose and said:

“Mr. President, point of order. That train left this station rather quickly. (Laughter.) Would we have the opportunity to address this issue?”

The Chair responded:

“At a later time.”

Senator Hemmings replied:

“Thank you very much.”

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, March 7, 2006, and Thursday, March 9, 2006:

Senate Concurrent Resolution	Referred to:
No. 40	Committee on Education and Military Affairs, then to the Committee on Energy, Environment, and International Affairs
No. 41	Committee on Health, then to the Committee on Transportation and Government Operations
No. 42	Committee on Commerce, Consumer Protection and Housing
No. 43	Committee on Human Services
No. 44	Committee on Transportation and Government Operations, then to the Committee on Ways and Means
No. 45	Committee on Transportation and Government Operations
No. 46	Committee on Transportation and Government Operations
No. 47	Jointly to the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs
No. 48	Jointly to the Committee on Transportation and Government Operations and the Committee on Higher Education

No. 49 Committee on Labor
 No. 50 Committee on Education and Military Affairs, then to the Committee on Human Services
 No. 51 Committee on Human Services
 No. 52 Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs

No. 2066, H.D. 2 Jointly to the Committee on Commerce, Consumer Protection and Housing, the Committee on Human Services and the Committee on Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2535 Jointly to the Committee on Media, Arts, Science and Technology and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs

No. 2836, H.D. 1 Jointly to the Committee on Media, Arts, Science and Technology and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Tuesday, March 7, 2006, and Thursday, March 9, 2006:

Senate Resolution Referred to:
 No. 21 Committee on Education and Military Affairs, then to the Committee on Energy, Environment, and International Affairs
 No. 22 Committee on Health, then to the Committee on Transportation and Government Operations
 No. 23 Committee on Commerce, Consumer Protection and Housing
 No. 24 Committee on Human Services
 No. 25 Committee on Transportation and Government Operations, then to the Committee on Ways and Means
 No. 26 Committee on Transportation and Government Operations
 No. 27 Committee on Transportation and Government Operations
 No. 28 Jointly to the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs
 No. 29 Jointly to the Committee on Transportation and Government Operations and the Committee on Higher Education
 No. 30 Committee on Labor
 No. 31 Committee on Education and Military Affairs, then to the Committee on Human Services
 No. 32 Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs

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

“Mr. President, I rise on a point of personal privilege.

“This may be the time that I do have a chance to speak on this train that left the station so quickly, Mr. President. I’d like to add to the Journal some remarks regarding the resolution we just passed concerning social security. Those remarks are as follows: I believe this is a foolhardy proposal in that it is dictating a certain path or course of action on an issue that needs to be addressed at the federal level. It does ignore some of the facts concerning the great problems with social security, and most especially, it ignores the fact that many young people today are going to, as we have done, spend their lifetime paying into this system and if they die before the age of being able to enjoy the benefits of social security, as limited as the benefits are, they will have worked long and hard to pay into a system that will have given them absolutely nothing.

“This is a positive alternative, and that can be found in the nation of Australia where they have ‘superannuation.’ This is where their social security system is a mandated program, like the United States of America, which is paid into during the working life of the individual but that person, through the auspices of government, can control the secured investments. The equity does grow in great proportion and when that person retires, they can take a one-time payout of literally hundreds-of-thousands-of-dollars or they have the asset to pass on to their heirs.

“So, the blind belief that our system is just fine the way it is, is foolhardy because it is headed towards, as ponzi schemes usually are, towards a very disastrous collapse. We can do something to fix it or we can ignore it, and this resolution basically is saying to do nothing. Therefore, I appreciate the opportunity to express these concerns now. Thank you, Mr. President.”

ADJOURNMENT

At 11:59 o’clock a.m., on motion by Senator Hee, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o’clock a.m., Monday, March 13, 2006.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill Referred to:
 No. 1826, H.D. 1 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Media, Arts, Science and Technology, then to the Committee on Judiciary and Hawaiian Affairs