

## FOURTEENTH DAY

Wednesday, February 6, 2008

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2008, convened at 11:41 a.m. with the President in the Chair.

The Divine Blessing was invoked by Kahu Kordell Kekoa, Kamehameha Schools Bernice Pauahi Bishop Memorial Chapel, after which the Roll was called showing all Senators present with the exception of Senator Bunda who was excused.

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

At this time, Senator Sakamoto congratulated the Hawai'i Commission for National and Community Service, the Corporation for National and Community Services' State Office and all participating parties for "Getting Things Done in Hawai'i," and introduced Mr. Dennis Dunn of the Hawai'i Commission for National and Community Service.

At 11:48 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 a.m.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 52 to 54) were read by the Clerk and were deferred:

Senate Concurrent Resolution

S.C.R. No. 52 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE HAWAII TOURISM AUTHORITY TO IMPLEMENT PROGRAMS TO INCREASE VISITORS FROM TAIWAN, AND REQUESTING THE SECRETARY OF HOMELAND SECURITY TO EXPAND THE VISA WAIVER PROGRAM TO INCLUDE TAIWAN."

Offered by: Senator English.

S.C.R. No. 53 "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO ENTER INTO A FREE TRADE AGREEMENT WITH TAIWAN."

Offered by: Senator English.

S.C.R. No. 54 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE ALOHA TOWER DEVELOPMENT CORPORATION, PARTICULARLY WITH REGARD TO LAWSUITS RELATING TO DEVELOPMENT PROJECTS."

Offered by: Senators Kim, Tokuda, Tsutsui, Baker, Chun Oakland, Fukunaga, Gabbard, Hanabusa, Hee, Hooser, Ige, Ihara, Kokubun, Sakamoto, Taniguchi, Whalen.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 26 and 27) were read by the Clerk and were deferred:

Senate Resolution

S.R. No. 26 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE HAWAII TOURISM AUTHORITY TO IMPLEMENT PROGRAMS TO INCREASE VISITORS FROM TAIWAN, AND REQUESTING THE SECRETARY OF HOMELAND

SECURITY TO EXPAND THE VISA WAIVER PROGRAM TO INCLUDE TAIWAN."

Offered by: Senator English.

S.R. No. 27 "SENATE RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO ENTER INTO A FREE TRADE AGREEMENT WITH TAIWAN."

Offered by: Senator English.

## STANDING COMMITTEE REPORTS

Senators Ige and Chun Oakland, for the Committee on Health and the Committee on Human Services and Public Housing, presented a joint report (Stand. Com. Rep. No. 2083) recommending that S.B. No. 2537 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2537, entitled: "A BILL FOR AN ACT RELATING TO KIDNEY DISEASE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Ige, for the Committee on Human Services and Public Housing and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2084) recommending that S.B. No. 2541, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2541, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 2085) recommending that S.B. No. 2051, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2051, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the majority of the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 2086) recommending that S.B. No. 2052, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 2052, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 2087) recommending that S.B. No. 2151, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2151, S.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO LONG-TERM CARE OMBUDSMAN,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2088) recommending that S.B. No. 2249, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2249, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STREAM MAINTENANCE,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2089) recommending that S.B. No. 2654, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2654, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TEACHERS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2090) recommending that S.B. No. 2657, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2657, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TEACHERS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2091) recommending that S.B. No. 2667, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2667, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2092) recommending that S.B. No. 2672, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2672, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GRADUATE LOAN PROGRAMS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2093) recommending that S.B. No. 2692, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2692, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TEACHER RECRUITMENT PIPELINE,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2094) recommending that S.B. No. 2698, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2698, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TEACHERS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2095) recommending that S.B. No. 2751, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2751, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2096) recommending that S.B. No. 3186, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3186, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2097) recommending that S.B. No. 3074 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3074, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES AND INJURY PREVENTION SYSTEM BRANCH,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 2098) recommending that S.B. No. 2214, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2214, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BRIDGE TO HOPE PROGRAM,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 2099) recommending that S.B. No. 1773, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Tourism and Government Operations.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1773, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROCUREMENT,” passed Second Reading and was recommitted to the Committee on Tourism and Government Operations.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 2100) recommending that S.B. No. 591, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No.

591, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was recommitted to the Committee on Economic Development and Taxation.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 2101) recommending that S.B. No. 304, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 304, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE," passed Second Reading and was recommitted to the Committee on Economic Development and Taxation.

Senators English and Menor, for the Committee on Transportation and International Affairs and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 2102) recommending that S.B. No. 2365, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2365, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 8, 2008.

Senator Baker, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2103) recommending that S.B. No. 2960, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2960, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 8, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 2104) recommending that S.B. No. 2292 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2292, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATED TELLER MACHINES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 7, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 2105) recommending that S.B. No. 2169, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2169, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 8, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 2106) recommending that S.B. No. 2401, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2401, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS: MAKING VARIOUS TECHNICAL AMENDMENTS TO THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, AND CLARIFYING LANGUAGE," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 8, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 2107) recommending that S.B. No. 2402, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2402, S.D. 1, entitled: "A BILL FOR AN ACT MAKING VARIOUS HOUSEKEEPING AMENDMENTS TO VOLUME 11 OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, AND CLARIFYING LANGUAGE," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 8, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 2108) recommending that S.B. No. 2454, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2454, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 8, 2008.

#### ORDER OF THE DAY

#### ADOPTION OF RESOLUTION

#### MATTER DEFERRED FROM TUESDAY, FEBRUARY 5, 2008

H.C.R. No. 61:

On motion by Senator Ige, seconded by Senator Whalen and carried, H.C.R. No. 61, entitled: "HOUSE CONCURRENT RESOLUTION AWARDING THE HAWAII MEDAL OF HONOR TO UNITED STATES MILITARY SERVICE MEMBERS WITH HAWAII CONNECTIONS KILLED IN ACTION WHILE SERVING IN DANGEROUS, VOLATILE, AND UNSTABLE AREAS OF THE WORLD, INCLUDING IRAQ AND AFGHANISTAN," was adopted.

Senator Fukunaga, Chair of the Economic Development and Taxation, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. Nos. 2519 and 3047.

Senator Fukunaga noted:

"Madam President, at the time that we were seeking to put together the hearing notices, the Chairs of the other Committees were not available."

The Chair granted the waiver.

#### RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
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S.B. No. 304, S.D. 1 Committee on Economic Development and Taxation, then to the Committee on Ways and Means

S.B. No. 1773, S.D. 1 Committee on Tourism and Government Operations, then to the Committee on Judiciary and Labor

S.B. No. 1789 Committee on Tourism and Government Operations, then to the Committee on Commerce, Consumer Protection and Affordable Housing

S.B. No. 2016 Jointly to the Committee on Energy and Environment and the Committee on Tourism and Government Operations, then to the Committee on Ways and Means

#### **ADJOURNMENT**

At 11:59 a.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 a.m., Thursday, February 7, 2008.