

## TWENTY-NINTH DAY

Tuesday, March 11, 2008

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2008, convened at 11:38 a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. George White, Office of the Honorable Robert Bunda, Hawai'i State Senate, after which the Roll was called showing all Senators present with the exception of Senator Fukunaga who was excused.

The President announced that she had read and approved the Journal of the Twenty-Eighth Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 498 to 501) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 498, dated February 29, 2008, transmitting the 2005 Hawaii Income Patterns - Individuals Report, prepared by the Department of Taxation, was placed on file.

Gov. Msg. No. 499, advising the Senate of the withdrawal of the nomination of THOMAS B. VINCENT to the Contractors License Board, under Gov. Msg. No. 302, dated February 5, 2008, was placed on file.

In compliance with Gov. Msg. No. 499, the nomination listed under Gov. Msg. No. 302 was returned.

Gov. Msg. No. 500, advising the Senate of the withdrawal of the nomination of GARRETT F. SAIKLEY MD to the Radiologic Technology Board, under Gov. Msg. No. 483, dated March 3, 2008, was placed on file.

In compliance with Gov. Msg. No. 500, the nomination listed under Gov. Msg. No. 483 was returned.

Gov. Msg. No. 501, dated March 6, 2008, transmitting a report, "Relating to the Development of a Taro Security and Purity Research Program," prepared by the Department of Agriculture, Plant Industry Division, pursuant to S.C.R. No. 206 (2007), was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 379 and 380) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 379, transmitting H.B. No. 2500, H.D. 1, which passed Third Reading in the House of Representatives on March 10, 2008, was placed on file.

On motion by Senator Ige, seconded by Senator Whalen and carried, H.B. No. 2500, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET.," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 380, transmitting H.B. No. 2700, H.D. 1, which passed Third Reading in the House of Representatives on March 10, 2008, was placed on file.

On motion by Senator Ige, seconded by Senator Whalen and carried, H.B. No. 2700, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY.," passed First Reading by title and was referred to the Committee on Judiciary and Labor, then to the Committee on Ways and Means.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 125 to 131) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

S.C.R. No. 125 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO ESTABLISH AN EARNED-TIME PROGRAM THAT REDUCES THE MINIMUM PERIOD OF TIME THAT INMATES MUST WAIT TO BECOME ELIGIBLE FOR PAROLE."

Offered by: Senators Espero, Sakamoto, Whalen.

S.C.R. No. 126 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A GLOBAL WARMING TASK FORCE TO ASSESS THE IMPACTS OF GLOBAL WARMING ON THE STATE."

Offered by: Senator Nishihara.

S.C.R. No. 127 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE LEGACY LAND CONSERVATION COMMISSION RECOMMEND TO THE BOARD OF LAND AND NATURAL RESOURCES THAT THE LAND DESCRIBED AS THE NORTH SHORE HERITAGE PARK ON MAUI HAS VALUE AS A RESOURCE TO THE STATE AND SHOULD BE ACQUIRED BY THE STATE AS LEGACY LANDS."

Offered by: Senator Tsutsui.

S.C.R. No. 128 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FINANCIAL AUDIT OF THE HAWAII PUBLIC HOUSING AUTHORITY'S PUNCHBOWL HOMES FACILITY."

Offered by: Senator Fukunaga.

S.C.R. No. 129 "SENATE CONCURRENT RESOLUTION CALLING FOR A JOINT SESSION OF THE LEGISLATURE FOR THE PURPOSE OF APPOINTING THE STATE AUDITOR."

Offered by: Senator Espero.

S.C.R. No. 130 "SENATE CONCURRENT RESOLUTION CALLING FOR A JOINT SESSION OF THE LEGISLATURE FOR THE PURPOSE OF APPOINTING THE OMBUDSMAN."

Offered by: Senator Espero.

S.C.R. No. 131 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, WITH THE ASSISTANCE OF THE DEPARTMENT OF TRANSPORTATION, TO STUDY THE FEASIBILITY OF A PRIVATE-PUBLIC PARTNERSHIP TO DEVELOP A BOAT MARINA NEAR KEEHI LAGOON."

Offered by: Senators Chun Oakland, Sakamoto.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 64 to 67) were read by the Clerk and were deferred:

## Senate Resolution

S.R. No. 64 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO ESTABLISH AN EARNED-TIME PROGRAM THAT REDUCES THE

MINIMUM PERIOD OF TIME THAT INMATES MUST WAIT TO BECOME ELIGIBLE FOR PAROLE.”

Offered by: Senators Espero, Sakamoto, Whalen.

S.R. No. 65 “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A GLOBAL WARMING TASK FORCE TO ASSESS THE IMPACTS OF GLOBAL WARMING ON THE STATE.”

Offered by: Senator Nishihara.

S.R. No. 66 “SENATE RESOLUTION REQUESTING THAT THE LEGACY LAND CONSERVATION COMMISSION RECOMMEND TO THE BOARD OF LAND AND NATURAL RESOURCES THAT THE LAND DESCRIBED AS THE NORTH SHORE HERITAGE PARK ON MAUI HAS VALUE AS A RESOURCE TO THE STATE AND SHOULD BE ACQUIRED BY THE STATE AS LEGACY LANDS.”

Offered by: Senator Tsutsui.

S.R. No. 67 “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, WITH THE ASSISTANCE OF THE DEPARTMENT OF TRANSPORTATION, TO STUDY THE FEASIBILITY OF A PRIVATE-PUBLIC PARTNERSHIP TO DEVELOP A BOAT MARINA NEAR KEEHI LAGOON.”

Offered by: Senators Chun Oakland, Sakamoto.

#### STANDING COMMITTEE REPORTS

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2917) recommending that H.B. No. 3161, 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 H.B. No. 3161, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE HAWAII HEALTH SYSTEMS CORPORATION,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Taniguchi, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2918) recommending that the Senate advise and consent to the nomination of SHIRLEY MIKI KAWAMURA to the Defender Council, in accordance with Gov. Msg. No. 403.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2918 and Gov. Msg. No. 403 was deferred until Wednesday, March 12, 2008.

Senator Taniguchi, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2919) recommending that the Senate advise and consent to the nomination of KENNETH T. TAIRA to the Board of Trustees of the Deferred Compensation Plan, in accordance with Gov. Msg. No. 404.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2919 and Gov. Msg. No. 404 was deferred until Wednesday, March 12, 2008.

Senator Taniguchi, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2920) recommending that the Senate advise and consent to the nominations to the Language Access Advisory Council of the following:

EARNEST CHUNG, in accordance with Gov. Msg. No. 405;

DOMINIC K. INOCELDA, in accordance with Gov. Msg. No. 406; and

GERALD HISASHI OHTA, in accordance with Gov. Msg. No. 407.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2920 and Gov. Msg. Nos. 405, 406 and 407 was deferred until Wednesday, March 12, 2008.

Senator Taniguchi, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2921) recommending that the Senate advise and consent to the nomination of MAUREEN K. MURAOKA to the Board of Registration of the Island of Oahu, in accordance with Gov. Msg. No. 409.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2921 and Gov. Msg. No. 409 was deferred until Wednesday, March 12, 2008.

Senator Taniguchi, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2922) recommending that the Senate advise and consent to the nominations to the Commission to Promote Uniform Legislation of the following:

PETER J. HAMASAKI, in accordance with Gov. Msg. No. 410; and

KEVIN P.H. SUMIDA, in accordance with Gov. Msg. No. 411.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2922 and Gov. Msg. Nos. 410 and 411 was deferred until Wednesday, March 12, 2008.

#### ORDER OF THE DAY

##### ADVISE AND CONSENT

Stand. Com. Rep. No. 2912 (Gov. Msg. Nos. 423 and 424):

Senator Nishihara moved that Stand. Com. Rep. No. 2912 be received and placed on file, seconded by Senator Kim and carried.

Senator Nishihara then moved that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Tourism Authority of the following:

DOUGLAS KAHIKINA CHANG, term to expire June 30, 2012 (Gov. Msg. No. 423); and

LEON D. YOSHIDA, term to expire June 30, 2012 (Gov. Msg. No. 424),

seconded by Senator Kim.

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

Ayes, 24. Noes, none. Excused, 1 (Fukunaga).

##### ADOPTION OF RESOLUTIONS

##### MATTERS DEFERRED FROM MONDAY, MARCH 10, 2008

Stand. Com. Rep. No. 2913 (S.R. No. 19, S.D. 1):

Senator Ige moved that Stand. Com. Rep. No. 2913 and S.R. No. 19, S.D. 1, be adopted, seconded by Senator Whalen.

Senator Hemmings rose to speak in opposition to the measures and stated:

“Madam President, I rise to speak against S.R. No. 19 and S.C.R. No. 44.

“This appears to be political correctness run amok. This nation does not have a monument to a race. This nation does not have a monument to a creed. It should not have a monument to a specific gender. If we were really interested in helping the plight of women, we would address women throughout this world who are being abused and even killed under Sharia law in the extreme of the Islamic world. Asking our national government to create a monument to a gender seems to contradict our constitution and beliefs in many ways. We don’t, as I say, have a monument to a race or a creed. I would suggest our time could be better spent addressing more serious problems. I’ll be voting ‘no’ against those particular resolutions, and I’d love to have the Clerk record my ‘no’ vote on S.R. No. 19 and S.C.R. No. 44.”

The motion was put by the Chair and carried, the joint report of the majority of the Committees was adopted and S.R. No. 19, S.D. 1, entitled: “SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO AUTHORIZE THE ESTABLISHMENT OF A NATIONAL MONUMENT FOR WOMEN IN WASHINGTON, D.C., TO RECOGNIZE AND HONOR THE LEADERSHIP CONTRIBUTIONS OF AMERICA’S WOMEN,” was adopted with Senator Hemmings voting “No.”

Stand. Com. Rep. No. 2914 (S.C.R. No. 44, S.D. 1):

Senator Ige moved that Stand. Com. Rep. No. 2914 and S.C.R. No. 44, S.D. 1, be adopted, seconded by Senator Whalen.

“Madam President, I rise to speak against S.R. No. 19 and S.C.R. No. 44.

“This appears to be political correctness run amok. This nation does not have a monument to a race. This nation does not have a monument to a creed. It should not have a monument to a specific gender. If we were really interested in helping the plight of women, we would address women throughout this world who are being abused and even killed under Sharia law in the extreme of the Islamic world. Asking our national government to create a monument to a gender seems to contradict our constitution and beliefs in many ways. We don’t, as I say, have a monument to a race or a creed. I would suggest our time could be better spent addressing more serious problems. I’ll be voting ‘no’ against those particular resolutions, and I’d love to have the clerk record my ‘no’ vote on S.R. No. 19 and S.C.R. No. 44.”

The motion was put by the Chair and carried, the joint report of the majority of the Committees was adopted and S.C.R. No. 44, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO AUTHORIZE THE ESTABLISHMENT OF A NATIONAL MONUMENT FOR WOMEN IN WASHINGTON, D.C., TO RECOGNIZE AND HONOR THE LEADERSHIP CONTRIBUTIONS OF AMERICA’S WOMEN,” was adopted with Senator Hemmings voting “No.”

Stand. Com. Rep. No. 2915 (S.C.R. No. 7, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.C.R. No. 7, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE STATE AND COUNTIES TO COMPILE AN INVENTORY OF ABANDONED, EXCESS, AND UNDERUTILIZED PROPERTIES UNDER THEIR RESPECTIVE JURISDICTIONS,” was adopted.

Stand. Com. Rep. No. 2916 (S.C.R. No. 26, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen 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 STATE AND COUNTIES TO PROVIDE FOR THE SHARING OF THE SAME LOCATION FOR EDUCATIONAL, RECREATIONAL, HEALTH, AND HUMAN SERVICES PROGRAMS IN ABANDONED, EXCESS, AND UNDERUTILIZED PROPERTIES UNDER THEIR RESPECTIVE JURISDICTIONS,” was adopted.

#### RE-REFERRAL OF HOUSE BILLS

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

House Bill	Referred to:
H.B. No. 2261, H.D. 2	Committee on Agriculture and Hawaiian Affairs, then to the Committee on Energy and Environment, then to the Committee on Ways and Means

H.B. No. 2509	Jointly to the Committee on Energy and Environment and the Committee on Economic Development and Taxation, then to the Committee on Ways and Means
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H.B. No. 2686, H.D. 1	Committee on Intergovernmental and Military Affairs, then to the Committee on Judiciary and Labor
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H.B. No. 2704, H.D. 2	Jointly to the Committee on Water and Land, the Committee on Agriculture and Hawaiian Affairs and the Committee on Judiciary and Labor, then to the Committee on Ways and Means
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H.B. No. 3085, H.D. 2	Jointly to the Committee on Commerce, Consumer Protection and Affordable Housing and the Committee on Judiciary and Labor
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H.B. No. 3151, H.D. 2	Committee on Energy and Environment, then to the Committee on Ways and Means
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#### ADJOURNMENT

At 11:49 a.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 a.m., Wednesday, March 12, 2008.