

FIFTIETH DAY

Tuesday, April 21, 2009

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2009, convened at 11:37 a.m. with the President in the Chair.

The Divine Blessing was invoked by the Mr. Alani Apio, Kanu Hawai'i, after which the Roll was called showing all Senators present with the exception of Senator Sakamoto who was excused.

The President announced that she had read and approved the Journal of the Forty-Ninth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 617 to 620) were read by the Clerk and were placed on file:

Gov. Msg. No. 617, informing the Senate that on April 17, 2009, the Governor withdrew the nomination of ROXANNA U. BOLDEN to the Statewide Council on Independent Living, under Gov. Msg. No. 296, dated January 29, 2009.

In compliance with Gov. Msg. No. 617, the nomination listed under Gov. Msg. No. 296 was returned.

Gov. Msg. No. 618, informing the Senate that on April 20, 2009, the Governor signed into law Senate Bill No. 936 as Act 8, entitled: "RELATING TO DEPARTMENT OF HEALTH CERTIFICATES."

Gov. Msg. No. 619, informing the Senate that on April 20, 2009, the Governor signed into law Senate Bill No. 574, S.D. 1 as Act 9, entitled: "RELATING TO CONDOMINIUMS."

Gov. Msg. No. 620, informing the Senate that on April 20, 2009, the Governor signed into law Senate Bill No. 298, S.D. 1 as Act 10, entitled: "RELATING TO CONDOMINIUMS."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 656 to 662) were read by the Clerk and were placed on file:

Hse. Com. No. 656, informing the Senate that on April 20, 2009, the Speaker made the following changes to the conferees on the following bills:

H.B. No. 262, H.D. 2 (S.D. 2):

Representative B. Oshiro replaced Representative Karamatsu as co-chair.

H.B. No. 519, H.D. 1 (S.D. 2):

Representative M. Lee replaced Representative Aquino as co-chair; Representative Aquino was added as a manager.

H.B. No. 1152, H.D. 1 (S.D. 1):

Representative M. Lee replaced Representative Aquino as co-chair; Representative Aquino was added as a manager.

S.B. No. 1060, S.D. 1 (H.D. 2):

Representative M. Lee was added as a manager.

Hse. Com. No. 657, informing the Senate that on April 20, 2009, the House reconsidered its action taken on April 16, 2009, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 267, H.D. 2 (S.D. 1); and
H.B. No. 1270, H.D. 1 (S.D. 2).

Hse. Com. No. 658, informing the Senate that on April 20, 2009, the House reconsidered its action taken on March 30, 2009, in disagreeing to the amendments proposed by the Senate to H.B. No. 319, H.D. 1 (S.D. 1).

Hse. Com. No. 659, informing the Senate that on April 20, 2009, the Speaker made the following change to the conferees on the following bill:

H.B. No. 814, H.D. 2 (S.D. 2):

Appointed Representative Mizuno as a manager.

Hse. Com. No. 660, informing the Senate that on April 20, 2009, the House reconsidered its action taken on April 7, 2009, in disagreeing to the amendments proposed by the Senate to H.B. No. 1075 (S.D. 1).

Hse. Com. No. 661, informing the Senate that on April 20, 2009, the House reconsidered its action taken on April 9, 2009, in disagreeing to the amendments proposed by the Senate to H.B. No. 1436, H.D. 1 (S.D. 1).

Hse. Com. No. 662, informing the Senate that on April 20, 2009, the House discharged all conferees to H.B. No. 1414, H.D. 1 (S.D. 1).

STANDING COMMITTEE REPORTS

Senator Tokuda, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1450) recommending that the Senate advise and consent to the nominations to the Board of Regents of the University of Hawaii of the following:

ERIC K. MARTINSON, in accordance with Gov. Msg. No. 310; and

ERIC K. MARTINSON, in accordance with Gov. Msg. No. 468.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1450 and Gov. Msg. Nos. 310 and 468 was deferred until Wednesday, April 22, 2009.

Senator Tokuda, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1451) recommending that the Senate advise and consent to the nomination of CHUCK YIM GEE to the Board of Regents of the University of Hawaii, in accordance with Gov. Msg. No. 309.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1451 and Gov. Msg. No. 309 was deferred until Wednesday, April 22, 2009.

Senator Tokuda, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1452) recommending that the Senate advise and consent to the nomination of MARK H. FUKUNAGA to the Board of Regents of the University of Hawaii, in accordance with Gov. Msg. No. 308.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1452 and Gov. Msg. No. 308 was deferred until Wednesday, April 22, 2009.

Senator Tokuda, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1453) recommending that the Senate advise and consent to the nomination of RAMON S. DE LA PENA PHD to the Board of Regents of the University of Hawaii, in accordance with Gov. Msg. No. 307.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1453 and Gov. Msg. No. 307 was deferred until Wednesday, April 22, 2009.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1454) recommending that the Senate advise and consent to the nomination of DAVID M. SAITO MD to the Medical Advisory Board, in accordance with Gov. Msg. No. 567.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1454 and Gov. Msg. No. 567 was deferred until Wednesday, April 22, 2009.

Senator Hee, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1455) recommending that the Senate advise and consent to the nomination of CAROLYN KEHAUNANI ABAD to the Island Burial Council, Island of Oahu, in accordance with Gov. Msg. No. 593.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1455 and Gov. Msg. No. 593 was deferred until Wednesday, April 22, 2009.

Senator Hee, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1456) recommending that the Senate advise and consent to the nominations to the Board of Land and Natural Resources of the following:

DAVID C. GOODE, in accordance with Gov. Msg. No. 594; and

JOHN MORGAN, in accordance with Gov. Msg. No. 595.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1456 and Gov. Msg. Nos. 594 and 595 was deferred until Wednesday, April 22, 2009.

Senator Hee, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1457) recommending that the Senate advise and consent to the nomination of COLETTE Y. P. MACHADO to the Kaho'olawe Island Reserve Commission, in accordance with Gov. Msg. No. 560.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1457 and Gov. Msg. No. 560 was deferred until Wednesday, April 22, 2009.

Senator Hee, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1458) recommending that the Senate advise and consent to the nominations to the Land Use Commission of the following:

THOMAS P. CONTRADES, in accordance with Gov. Msg. No. 596; and

NICHOLAS W. TEVES JR., in accordance with Gov. Msg. No. 597.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1458 and Gov. Msg. Nos. 596 and 597 was deferred until Wednesday, April 22, 2009.

Senator Takamine, for the Committee on Labor presented a report (Stand. Com. Rep. No. 1459) recommending that the Senate advise and consent to the nomination of EDWARD G. SANCHEZ to the Hoisting Machine Operators Advisory Board, in accordance with Gov. Msg. No. 586.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1459 and Gov. Msg. No. 586 was deferred until Wednesday, April 22, 2009.

Senator Takamine, for the Committee on Labor presented a report (Stand. Com. Rep. No. 1460) recommending that the Senate advise and consent to the nominations to the Board of Trustees of the Deferred Compensation Plan of the following:

SCOTT A. KAMI, in accordance with Gov. Msg. No. 513; and

WESLEY MACHIDA, in accordance with Gov. Msg. No. 514.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1460 and Gov. Msg. Nos. 513 and 514 was deferred until Wednesday, April 22, 2009.

Senator Takamine, for the Committee on Labor presented a report (Stand. Com. Rep. No. 1461) recommending that the Senate advise and consent to the nomination of CHRISTOPHER D. TATUM to the Hawai'i Workforce Development Council, in accordance with Gov. Msg. No. 587.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1461 and Gov. Msg. No. 587 was deferred until Wednesday, April 22, 2009.

Senators Gabbard and Baker, for the Committee on Energy and Environment and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 1462) recommending that S.R. No. 18, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1462 and S.R. No. 18, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO IMPLEMENT A STATEWIDE RAINWATER DETENTION AND RETENTION POND SAFETY PROGRAM," was deferred until Wednesday, April 22, 2009.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1463) recommending that H.C.R. No. 56, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1463 and H.C.R. No. 56, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROTECT WILDLIFE AND WILDERNESS BY OPPOSING OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE ARCTIC NATIONAL WILDLIFE REFUGE AND ON THE OUTER CONTINENTAL SHELF AND SUPPORTING CLEAN, RENEWABLE ENERGY ALTERNATIVES," was deferred until Wednesday, April 22, 2009.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1464) recommending that H.C.R. No. 65, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1464 and H.C.R. No. 65, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII-AMERICAN WATER COMPANY TO IMPLEMENT AN ODOR MITIGATION PLAN FOR ITS FACILITY IN HAWAII KAI," was deferred until Wednesday, April 22, 2009.

Senators Espero and Ige, for the Committee on Public Safety and Military Affairs and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 1465) recommending that H.C.R. No. 42, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1465 and H.C.R. No. 42, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE TO ALLOW AVAILABLE HELICOPTERS TO BE USED FOR MEDICAL EVACUATION SERVICES," was deferred until Wednesday, April 22, 2009.

Senator Espero, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep.

No. 1466) recommending that H.C.R. No. 19, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1466 and H.C.R. No. 19, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE SECRETARY OF DEFENSE AND THE PRESIDENT OF THE UNITED STATES TO AWARD SERGEANT RAFAEL PERALTA THE MEDAL OF HONOR," was deferred until Wednesday, April 22, 2009.

Senator Espero, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 1467) recommending that H.C.R. No. 24, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1467 and H.C.R. No. 24, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES POSTAL SERVICE TO ISSUE POSTAL STAMPS HONORING THE WORLD WAR II NISEI SOLDIERS, OTHER DISTINGUISHED MILITARY UNITS IN UNITED STATES HISTORY, AND AMERICANS WHO FOUGHT AGAINST DISCRIMINATION BASED ON RACE OR NATIONAL ORIGIN," was deferred until Wednesday, April 22, 2009.

ORDER OF THE DAY

FINAL READING

S.B. No. 161, H.D. 1:

On motion by Senator Takamine, seconded by Senator Kim and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 161, and S.B. No. 161, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 190, S.D. 1, H.D. 2:

Senator Chun Oakland moved that S.B. No. 190, S.D. 1, H.D. 2 pass Final Reading, seconded by Senator Ihara.

Senator Chun Oakland rose in support of the measure stated:

"Could the Clerk please insert some remarks in support of this measure into the Journal? And I would also like to read excerpts from letters from Charlotte Kaide and Mrs. Terry Kaide. Charlotte Miyoko Kaide writes: 'After reading the front page cover story of the Hawai'i Tribune Herald on March 11, tears welled in my eyes as the Lord spoke to me. I began to understand that behind all the heartbreaks, sorrow, and frustration of Mom not being able to live together with Dad for the past two years, a deeper meaning to this heart-wrenching story of a forced separation was apparent. It's about protecting and keeping our 'ohana together in Hawai'i. S.B. No. 190 would have never been birthed if a waiver would have been granted to Mom to live with Dad in his community care foster family home early on. We have faith to believe that soon S.B. No. 190 would be signed into law by our Governor and that Mom will be able to live with her husband happily ever after. We highly commend our awesome lawmakers who joined us in our plight to change the present law to bring justice to a fundamental right of a husband and wife wanting to live out their lives together and fulfill their marriage vows, for marriage is a sacred union. What a blessing to see this love story have a happy ending and that everyone in our Hawai'i Nei can benefit from this compassionate, compelling, historical epic.'

"Terry Kaide writes: 'I sincerely thank my God for I know He has answered my prayers, and I will be together with my husband very soon. I feel so blessed that my husband is still alive and that I, too, am still alive. I look forward to when I can

move into his community care foster family home and never have to be separated from my husband until we go home to be with our Lord. I am overjoyed that I will be able to enjoy whatever days we have left together. I am ever so grateful to all of our legislators for understanding our plight and for working arduously to help pass S.B. No. 190 in order that married couples like myself can live together in their golden years. I am thankful to my daughters for their efforts of having worked tenaciously in supporting S.B. No. 190, Charlotte and Gale.'

"Colleagues, S.B. No. 190 offers a beacon of hope not only to the Kaide family, but everyone in the state who find themselves in similar circumstances. I urge my colleagues to support this bill. Thank you."

Senator Chun Oakland requested additional comments in support of the measure be entered into the Journal. The Chair so ordered

The Chair having so ordered, the letters from Charlotte Miyoko Kaide and Terry Kaide are identified as "ATTACHMENT A" to the Journal of this day.

Senator Takamine rose to request that comments in support of the measure be entered into the Journal.

The Chair having so ordered, Senator Takamine's remarks read as follows:

"Madam President, I rise to speak in support of S.B. No. 190, S.D. 1, H.D. 2, relating to community foster care family homes. S.B. No. 190 would allow two private pay parties sharing specified relationships to live in the same adult residential foster home. The current law does not allow for this, causing many families hardship and emotional pain. This bill's inception is due to the Kaide family, residents of Papaikou, who were placed in separate care homes after 63 years of marriage.

"The Kaides have been passionately advocating for this bill and believe that their separation has contributed to the deterioration of their health. Mr. Kaide was placed in a care home in 2003, after suffering a stroke. Two years ago, Mrs. Kaide also suffered a physical ailment which required her to move to a skilled nursing facility. In order to see her husband, she must travel almost 12 miles from her care home to the care facility in which he resides. She is unable to see him every day due to her own physical limitations and pays a caregiver \$500 per month to drive her to see her husband.

"The Momohara family is another family who has also been negatively impacted by the current law. The Momohara family, who lived in Laupahoehoe, faced the same challenge until the recent passing of Mr. Momohara earlier this month. The separation and anxiety of being apart from his wife contributed significantly to the decline of Mr. Momohara's health and his passing. Although Mr. Momohara is no longer with us, Mrs. Momohara expresses her full support for this measure, so that other families will not have to undergo the suffering and heartache that they had to endure.

"Madam President, we pride ourselves in being a state of *aloha*, which means showing care and compassion for others. Therefore, passage of this legislation should stand as an 'apology'; an apology to people like Kazumi and Teruko Haide, and to Hideo and Akiko Momohara, and others, who have had to tolerate separation at a time when companionship meant so much. SB190 would allow loved ones to be cared for 'together,' during what may be the final phase of their long and special relationship. This bill is about caring for people, and it is about justice for our 'kupuna.' I ask all my colleagues to support S.B. No. 190."

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

The Senate reconvened at 11:48 a.m.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 190, S.D. 1, and S.B. No. 190, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOME," passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 537, S.D. 2, H.D. 2:

Senator Espero moved that S.B. No. 537, S.D. 2, H.D. 2 pass Final Reading, seconded by Senator Kim.

Senator Hemmings rose in support of the measure and stated:

"Passage of this bill does not create a new initiative for Hawai'i, and I really hope it's not an exercise in futility. We heard a rather illuminating prayer about standing on the shoulders of our predecessors and providing broad shoulders for those who will follow us to stand on. And I hope this bill is not, as I said, an exercise in futility because a generation ago back in the 80's, Governor John Waihe'e launched an initiative for aerospace development for the Hawaiian islands. And you've heard before that the southeast flank of the Big Island of Hawai'i is indeed the greatest location in the world for simultaneous equatorial and polar launches. Hilo could have been gateway to the stars years ago with a combination of viewing into eternity on the top of Mauna Kea through telescopes and launching both public and private aerospace development from South Point [or the area thereof].

"But unfortunately important political decisions in Hawai'i often yield to the whims of the most vociferous minority. We've given the lowest common denominator so much vested power and it is not in our best interest. The shoulders of support for the aerospace industry 20 years ago could not withstand the protest of a minority of activists and pseudo-environmentalists who claimed this would have been devastating for their special interests or their passions, which is fair, but certainly not in the best interests of the vast majority.

"The aerospace industry can be an industry with great potential for future generations. It could be an industry of the future where we would not have to be reliant on tourism. The reason I stand is because from this study group that we're creating—for something that was studied 25 years ago and failed to become a reality—will come specific proposals. And with good fortune maybe some company will come to Hawai'i and say, 'Yes, it makes a tremendous amount of sense to launch our vehicles and develop space industries and enterprises, futuristic ones, from the State of Hawai'i.' Will we allow the very narrow shoulders of very selfish, short-thinking people to deny us this industry once again by standing in protest, or will we yield to the long-range thinkers and people who really are working for the best interests of all the people of Hawai'i? I bring this up now in voting in favor of this bill because we've been down this road before, to no success, and I'm hoping by passing this legislation when something specific does come about, that we will have the courage of our convictions and do what's best for the most. Thank you, Madam President."

Senator Espero rose in support of the measure and stated:

"I was not planning on speaking on this measure in support of it. However with the students from 'Ewa Elementary School here, I'd just like to briefly explain. This is a bill that's going to help our aerospace industry. When people usually think of Hawai'i and the economy, they think of tourism. But here at the State Capitol, we're trying to expand into science, technology, engineering, and math jobs; and technology has been an area that we've looked at for the last several years. But

this is going to be an opportunity for Hawai'i to launch space tourism, one of them, where individuals will be able to get on a rocket plane or space plane and take off from the Big Island, go into space—anti-gravity, weightlessness—and land possibly in your backyard at the Kalaheo Airport or maybe Honolulu International.

"This advisory committee will be experts from the mainland, from Hawai'i, and possibly from Asia that will help us build this space industry. As you may know, on the Big Island we have the telescopes which are the best telescopes for viewing and exploring space in the world. And there are jobs and opportunities for you there. We also have a possibility of being the first state, through our university, to launch small satellites. We have a program at UH Mānoa working with the military, where in the next couple years we may be able to launch small satellites from Kaua'i into space, working with the military. And in the future, there are strong commercial applications for that, where again there could be jobs for you students there if you go to UH West O'ahu and get your degrees. And then, also, we're looking at building a lunar base on the Big Island. There's a race by China, Russia, India, the U.S., Japan to get back to the moon by 2020, and there are people working on the possibility of a lunar base for training; and this measure, the Aerospace Development Committee, will help with our NASA initiatives and efforts and space exploration. Thank you, Madam President."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 537, S.D. 2, and S.B. No. 537, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AEROSPACE," passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 718, S.D. 1, H.D. 1:

On motion by English, seconded by Senator Gabbard and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 718, S.D. 1, and S.B. No. 718, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 896, S.D. 1, H.D. 2:

On motion by Senator Espero, seconded by Senator Takamine and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 896, S.D. 1, and S.B. No. 896, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW," passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 979, S.D. 2, H.D. 1:

On motion by Senator English, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 979, S.D. 2, and S.B. No. 979, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVERS," passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 1056, S.D. 2, H.D. 2:

On motion by Senator English, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1056, S.D. 2, and S.B. No. 1056, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO COMMERCIAL DRIVERS,” passed Final Reading on the following showing of Ayes and Noes:

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

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 301, S.D. 2 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 16, 2009, in disagreeing to the amendments proposed by the House to S.B. No. 301, S.D. 2, seconded by Senator Kim and carried.

Senator Baker moved that the Senate agree to the amendments made by the House to S.B. No. 301, S.D. 2, seconded by Senator Kim.

Senator Baker spoke in support of the motion as follows:

“Madam President, colleagues, the House made only technical, non-substantive, stylistic changes.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 301, S.D. 2, and S.B. No. 301, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII REGISTERED AGENTS ACT,” was placed on the calendar for Final Reading on Wednesday, April 22, 2009.

S.B. No. 521, S.D. 2 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 16, 2009, in disagreeing to the amendments proposed by the House to S.B. No. 521, S.D. 2, seconded by Senator Taniguchi and carried.

Senator Baker moved that the Senate agree to the amendments made by the House to S.B. No. 521, S.D. 2, seconded by Senator Taniguchi.

Senator Baker spoke in support of the motion as follows:

“Madam President, colleagues, once again the House made only technical, non-substantive, stylistic changes to this measure.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 521, S.D. 2, and S.B. No. 521, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO REAL PROPERTY,” was placed on the calendar for Final Reading on Wednesday, April 22, 2009.

Senator Ige, Chair of the Committee on Health, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.C.R. No. 97, H.D. 1; H.C.R. No. 109; and H.C.R. No. 215.

Senator Ige noted:

“All of these House concurrent resolutions—the Senate Committee on Health held public hearings on the Senate companions; and in discussing it with my House counterpart they basically said they would not be able to move the Senate concurrent, so we’d like to have a hearing on our side.”

The Chair granted the waiver.

Senator Gabbard, Chair of the Committee on Energy and Environment, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.C.R. No. 266.

Senator Gabbard noted:

“The reason for the waiver is in order to hear and pass the measure before the deadline on Friday for amended HCRs.”

The Chair granted the waiver.

At this time, the Chair made the following announcement:

“Referrals and re-referrals are made in accordance with the Supplemental Order of the Day that may be distributed to your offices later this afternoon.”

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The President made the following committee assignments of House concurrent resolutions that were received on Monday, April 20, 2009:

H.C.R. No.	Referred to:
H.C.R. No. 7, H.D. 1	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Transportation, International and Intergovernmental Affairs
H.C.R. No. 8, H.D. 1	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Transportation, International and Intergovernmental Affairs
H.C.R. No. 10, H.D. 1	Committee on Public Safety and Military Affairs
H.C.R. No. 12	Committee on Human Services
H.C.R. No. 13	Committee on Human Services
H.C.R. No. 15	Jointly to the Committee on Human Services and the Committee on Labor
H.C.R. No. 16, H.D. 1	Jointly to the Committee on Human Services and the Committee on Commerce and Consumer Protection
H.C.R. No. 27, H.D. 1	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Water, Land, Agriculture and Hawaiian Affairs
H.C.R. No. 28, H.D. 1	Committee on Water, Land, Agriculture and Hawaiian Affairs
H.C.R. No. 33, H.D. 1	Committee on Human Services, then to the Committee on Ways and Means
H.C.R. No. 34	Jointly to the Committee on Human Services and the Committee on Health
H.C.R. No. 35	Committee on Health, then to the Committee on Ways and Means
H.C.R. No. 36	Committee on Human Services, then to the Committee on Ways and Means
H.C.R. No. 51	Committee on Health
H.C.R. No. 53	Committee on Health
H.C.R. No. 55	Jointly to the Committee on Human Services and the Committee on Health
H.C.R. No. 63	Committee on Education and Housing
H.C.R. No. 66	Committee on Health
H.C.R. No. 67, H.D. 1	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Ways and Means
H.C.R. No. 76, H.D. 1	Committee on Ways and Means

H.C.R. No. 86, H.D. 1	Jointly to the Committee on Health and the Committee on Education and Housing	H.C.R. No. 204	Committee on Transportation, International and Intergovernmental Affairs
H.C.R. No. 92, H.D. 1	Committee on Public Safety and Military Affairs, then to the Committee on Ways and Means	H.C.R. No. 206, H.D. 1	Committee on Judiciary and Government Operations, then to the Committee on Ways and Means
H.C.R. No. 96	Committee on Water, Land, Agriculture and Hawaiian Affairs	H.C.R. No. 207, H.D. 1	Committee on Labor
H.C.R. No. 100, H.D. 1	Committee on Economic Development and Technology	H.C.R. No. 209, H.D. 1	Committee on Energy and Environment, then to the Committee on Ways and Means
H.C.R. No. 103, H.D. 1	Committee on Water, Land, Agriculture and Hawaiian Affairs	H.C.R. No. 210, H.D. 2	Jointly to the Committee on Judiciary and Government Operations and the Committee on Ways and Means
H.C.R. No. 104	Committee on Water, Land, Agriculture and Hawaiian Affairs	H.C.R. No. 214, H.D. 1	Committee on Health
H.C.R. No. 113	Committee on Water, Land, Agriculture and Hawaiian Affairs	H.C.R. No. 216	Committee on Public Safety and Military Affairs
H.C.R. No. 114	Committee on Water, Land, Agriculture and Hawaiian Affairs	H.C.R. No. 217, H.D. 1	Committee on Higher Education
H.C.R. No. 120	Jointly to the Committee on Human Services and the Committee on Labor	H.C.R. No. 220, H.D. 1	Committee on Transportation, International and Intergovernmental Affairs
H.C.R. No. 124, H.D. 1	Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means	H.C.R. No. 223	Committee on Health, then to the Committee on Ways and Means
H.C.R. No. 131, H.D. 1	Jointly to the Committee on Economic Development and Technology and the Committee on Commerce and Consumer Protection	H.C.R. No. 244	Committee on Health
H.C.R. No. 135	Jointly to the Committee on Human Services and the Committee on Public Safety and Military Affairs	H.C.R. No. 250	Committee on Water, Land, Agriculture and Hawaiian Affairs
H.C.R. No. 146	Jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Transportation, International and Intergovernmental Affairs	H.C.R. No. 251	Committee on Water, Land, Agriculture and Hawaiian Affairs
H.C.R. No. 148	Jointly to the Committee on Health and the Committee on Economic Development and Technology	H.C.R. No. 273	Committee on Transportation, International and Intergovernmental Affairs
H.C.R. No. 154	Committee on Public Safety and Military Affairs	H.C.R. No. 281	Committee on Education and Housing
H.C.R. No. 158	Committee on Transportation, International and Intergovernmental Affairs	H.C.R. No. 282, H.D. 1	Committee on Education and Housing
H.C.R. No. 174, H.D. 1	Committee on Tourism	H.C.R. No. 290	Committee on Health
H.C.R. No. 185, H.D. 1	Committee on Transportation, International and Intergovernmental Affairs	H.C.R. No. 297	Committee on Health
H.C.R. No. 186	Committee on Economic Development and Technology	H.C.R. No. 305, H.D. 1	Committee on Higher Education
H.C.R. No. 193	Committee on Ways and Means	APPOINTMENT OF CONFEREES	
H.C.R. No. 194	Committee on Tourism	S.B. No. 50, S.D. 1 (H.D. 2):	
H.C.R. No. 199	Committee on Public Safety and Military Affairs, then to the Committee on Ways and Means	In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 50, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Gabbard, co-chair; Fukunaga, Kokubun, Hemmings as managers on the part of the Senate at such conference.	
H.C.R. No. 201	Jointly to the Committee on Higher Education and the Committee on Human Services	S.B. No. 638, S.D. 2 (H.D. 1):	
		In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 638, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Kim, co-chair; Fukunaga, Kokubun as managers on the part of the Senate at such conference.	
		S.B. No. 721, (H.D. 1):	
		In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 721, and the request for a conference on the subject matter thereof, the	

President appointed Senators Hee, chair; Bunda, Fukunaga, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 848, (H.D. 1):

The President appointed Senator Baker as an additional co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 848.

S.B. No. 1069, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1069, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Bunda, Fukunaga, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 300, H.D. 1 (S.D. 2):

The President appointed Senator Tsutsui as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 300, H.D. 1.

H.B. No. 834, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 834, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, chair; Gabbard, co-chair; Hemmings as manager on the part of the Senate at such conference.

ADJOURNMENT

At 12:00 p.m., on motion by Senator Hooser, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, April 22, 2009.

ATTACHMENT A

APRIL 21, 2009

TO: SENATOR SUZANNE CHUN OAKLAND
 FROM: CHARLOTTE MIYOKO KAIDE
 SUBJECT: SENATE BILL 190, SD1, HD2
 PROTECTING AND KEEPING OUR OHANA TOGETHER IN HAWAII

After reading the front page cover story of the Hawaii Tribune Herald on March 11, tears welled up in my eyes as the Lord spoke to me. I began to understand that behind all the heartbreaks, sorrow and frustration of Mom not being able to live together with Dad for the past two years had a deeper meaning to this heart-wrenching story of a "forced separation". It's about protecting and keeping our OHANA together in Hawaii.

The Lord impressed upon my heart that it was all in God's plan that DHS did not grant us a waiver but denied our three insistent requests for Mom to move into Dad's community care foster family home and occupy the vacant bed two years ago. He directed me to share with my parents and sisters that He had chosen my mother and father to be the privileged couple to suffer along with our family that others may not have to experience this same painful dilemma.

Therefore Senate Bill 190 was drafted by yourself, Senator Suzanne Chun Oakland to offer a beacon of hope not only for my parent's however, for everyone in the State of Hawaii. We thank God and we are honored to be able to bless our community by ushering this bill through the Senate and the House standing up for what we believe. This has been a priceless experience to work with our legislators to bring about changes in our laws that will benefit everyone.

Senator Chun Oakland, your guidance and support through this all has been outstanding and we want to express our gratitude for having the faith to believe with us that together we can make a difference and touch many lives through our united efforts.

Senate Bill 190 would have never been birthed if a waiver would have been granted to Mom to live with Dad in his community care foster family home early on. We have faith to believe that soon Senate Bill 190 will be signed into law by our Governor Linda Lingde and that Mom will be able to live with her husband happily ever after.

We highly commend our awesome lawmakers who joined us in our plight to change the present law to bring justice to a fundamental right of a husband and wife wanting to live out their lives together and fulfill their marriage vows for marriage is a sacred union.

What a blessing to see this love story have a happy ending and that everyone in our Hawaii Nei can benefit from this compassionate compelling historical epic.

April 21, 2009

TO: SENATOR SUZANNE CHUN OAKLAND
 FROM: TERRY KAIDE
 SUBJECT: SENATE BILL 190, SD1, HD2
 TO ALLOW TWO PRIVATE PAY CLIENTS TO LIVE TOGETHER IN THE SAME COMMUNITY CARE FOSTER FAMILY HOME

I sincerely thank my God for I know He has answered our prayers and I will be together with my husband very soon. It's been a long and painstaking journey however being near to my husband is what I most desire.

I feel so blessed that my husband is still alive and that I too am still alive. I look forward to when I can move into his community care foster family home and never have to be separated from my husband until we go home to be with our Lord. I am overjoyed that I will be able to enjoy whatever days we have left together.

I am ever so grateful to you, Senator Chun Oakland for crafting Senate Bill 190, also to all of our legislators for understanding our plight and for working arduously to help pass Senate Bill 190 in order that married couples like myself can also live together in their golden years.

I am thankful to my daughters for their efforts on having worked tenaciously in support of Senate Bill 190. Charlotte, Gale and I will be at the Hawaii State Capitol for the last Senate floor voting at 11:30 A.M. today. We trust that the Senate will pass SB 190 and that the Governor will sign it into law today.

Once again, mahalo to you Senator Chun Oakland for making my dream a reality. I am expectant of what will transpire today. We are ready to celebrate.