

SIXTH DAY**Thursday, January 28, 2010**

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 11:40 a.m. with the President in the Chair.

The Divine Blessing was invoked by Reverend Samuel Kim, Korean Christian Church, after which the Roll was called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 163 to 172) were read by the Clerk and were placed on file:

Gov. Msg. No. 163, dated December 22, 2009, transmitting the Final Report on the Congresswoman Patsy T. Mink Commission, prepared by the Department of Accounting and General Services pursuant to Act 92, SLH 2006.

Gov. Msg. No. 164, dated January 14, 2010, transmitting the Report on the Activities of the Deposit Beverage Container Program, prepared by the Department of Health.

Gov. Msg. No. 165, dated January 21, 2010, transmitting the Department of Agriculture's Transfer of Revolving Fund Monies Annual Report, pursuant to Sections 155-14 and 219-4, HRS.

Gov. Msg. No. 166, dated January 22, 2010, transmitting the Annual Report on all Moneys Deposited Into and Disbursed From the Pesticide Use Revolving Fund, prepared by the Department of Agriculture pursuant to Act 154, SLH 2000.

Gov. Msg. No. 167, dated January 25, 2010, transmitting a Report Relating to Projects Funded by the Rental Housing Trust Fund, prepared by the Department of Business, Economic Development and Tourism, Hawaii Housing Finance and Development Corporation, pursuant to Section 201H-202, HRS.

Gov. Msg. No. 168, dated January 25, 2010, transmitting a Report on State and County Affordable Housing Approval Requirements and Procedures, prepared by the Department of Business, Economic Development and Tourism, Hawaii Housing Finance and Development Corporation, pursuant to S.C.R. No. 87 (2009).

Gov. Msg. No. 169, dated January 19, 2010, transmitting the 2008-2009 Annual Report of the Hawai'i Civil Rights Commission, prepared by the Department of Labor and Industrial Relations pursuant to Sections 368-3, 368-4 and 515-9, HRS.

Gov. Msg. No. 170, dated January 26, 2010, transmitting the Report on the Findings and Recommendations of Effectiveness of the West Hawaii Regional Fishery Management Area, prepared by the Department of Land and Natural Resources pursuant to Section 188F-5, HRS.

Gov. Msg. No. 171, dated January 12, 2010, transmitting a Report on Immunosuppressant Medication, prepared by the Department of Human Services, Med-QUEST Division, pursuant to Act 92, SLH 2007.

Gov. Msg. No. 172, dated January 12, 2010, transmitting a Report on the Enrollment and Financial Status of the Hawai'i RX Plus Program, prepared by the Department of Human

Services, Med-QUEST Division, pursuant to Section 346-319, HRS.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 63 and 64) were read by the Clerk and were placed on file:

Dept. Com. No. 63, from the University of Hawai'i dated January 26, 2010, transmitting the Annual Report on the University of Hawai'i's Continued Participation in the Western Interstate Commission on Higher Education, pursuant to Section 304A-3205, HRS.

Dept. Com. No. 64, from the University of Hawai'i dated January 20, 2010, transmitting its Report Relating to Sustainability, pursuant to Act 225, SLH 2008.

SPECIAL COMMITTEE REPORTS

Senator Kokubun, for the Senate Ad Hoc Committee on Kulani Correctional Facility, presented a report (Spec. Com. Rep. No. 1) reviewing and assessing the impact on the community from the reduction in government services due to budget restrictions and layoffs and furloughs of certain state employees.

The President ordered the Clerk to file Spec. Com. Rep. No. 1.

Senator Kokubun, for the Senate Ad Hoc Committee on the Department of Agriculture, presented a report (Spec. Com. Rep. No. 2) reviewing and assessing the impact on the community from the reduction in government services due to budget restrictions and layoffs and furloughs of certain state employees.

The President ordered the Clerk to file Spec. Com. Rep. No. 2.

Senator Kokubun, for the Senate Ad Hoc Committee on the State Foundation on Culture and the Arts, presented a report (Spec. Com. Rep. No. 3) reviewing and assessing the impact on the community from the reduction in government services due to budget restrictions and layoffs and furloughs of certain state employees.

The President ordered the Clerk to file Spec. Com. Rep. No. 3.

Senator Kokubun, for the Senate Ad Hoc Committee on Maui Public Health Services, presented a report (Spec. Com. Rep. No. 4) reviewing and assessing the impact on the community from the reduction in government services due to budget restrictions and layoffs and furloughs of certain state employees.

The President ordered the Clerk to file Spec. Com. Rep. No. 4.

ORDER OF THE DAY**FIRST READING**

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the following bills passed First Reading by title and were deferred:

S.B. No. 2898 "A BILL FOR AN ACT RELATING TO DIVERSION PROGRAM FOR CHEMICALLY DEPENDANT NURSES."

S.B. No. 2899	“A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY.”	S.B. No. 2922	“A BILL FOR AN ACT RELATING TO PUBLIC FINANCE.”
S.B. No. 2900	“A BILL FOR AN ACT RELATING TO EMPLOYER-UNION HEALTH BENEFITS TRUST FUND.”	S.B. No. 2923	“A BILL FOR AN ACT RELATING TO SOLAR ENERGY.”
S.B. No. 2901	“A BILL FOR AN ACT RELATING TO FUNDING OF CHARTER SCHOOLS.”	S.B. No. 2924	“A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT.”
S.B. No. 2902	“A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-FIRST SENATORIAL DISTRICT.”	S.B. No. 2925	“A BILL FOR AN ACT RELATING TO CONTRACTORS.”
S.B. No. 2903	“A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE COLLEGE.”	S.B. No. 2926	“A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS.”
S.B. No. 2904	“A BILL FOR AN ACT RELATING TO SCHOOL TEACHERS.”	S.B. No. 2927	“A BILL FOR AN ACT RELATING TO TRANSPORTATION ENERGY INITIATIVES.”
S.B. No. 2905	“A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY SYSTEMS WITHIN THE DEPARTMENT OF EDUCATION.”	S.B. No. 2928	“A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FIFTEENTH SENATORIAL DISTRICT.”
S.B. No. 2906	“A BILL FOR AN ACT RELATING TO PROCUREMENT.”	S.B. No. 2929	“A BILL FOR AN ACT RELATING TO CONDOMINIUMS.”
S.B. No. 2907	“A BILL FOR AN ACT RELATING TO PROCUREMENT.”	S.B. No. 2930	“A BILL FOR AN ACT RELATING TO NUISANCES.”
S.B. No. 2908	“A BILL FOR AN ACT RELATING TO TOWING.”	S.B. No. 2931	“A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH.”
S.B. No. 2909	“A BILL FOR AN ACT RELATING TO TAXATION.”	S.B. No. 2932	“A BILL FOR AN ACT RELATING TO DRIVERS LICENSES.”
S.B. No. 2910	“A BILL FOR AN ACT RELATING TO REAL PROPERTY.”	S.B. No. 2933	“A BILL FOR AN ACT RELATING TO EDUCATION.”
S.B. No. 2911	“A BILL FOR AN ACT RELATING TO THE POWER OF ARREST.”	S.B. No. 2934	“A BILL FOR AN ACT RELATING TO MEDICAID.”
S.B. No. 2912	“A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE 12TH SENATORIAL DISTRICT.”	S.B. No. 2935	“A BILL FOR AN ACT RELATING TO TAXATION.”
S.B. No. 2913	“A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.”	S.B. No. 2936	“A BILL FOR AN ACT RELATING TO SHIPPING CONTAINER INSPECTIONS.”
S.B. No. 2914	“A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES.”	S.B. No. 2937	“A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES.”
S.B. No. 2915	“A BILL FOR AN ACT RELATING TO THE KAKAAKO COMMUNITY DEVELOPMENT DISTRICT.”	S.B. No. 2938	“A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION, TO CHANGE THE COMPOSITION OF THE BOARD OF EDUCATION.”
S.B. No. 2916	“A BILL FOR AN ACT RELATING TO ETHICS.”	S.B. No. 2939	“A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS.”
S.B. No. 2917	“A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATIONS.”	S.B. No. 2940	“A BILL FOR AN ACT RELATING TO EDUCATION.”
S.B. No. 2918	“A BILL FOR AN ACT RELATING TO ELECTIONS.”	S.B. No. 2941	“A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.”
S.B. No. 2919	“A BILL FOR AN ACT RELATING TO THE HAWAII STATE HOSPITAL.”	S.B. No. 2942	“A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION.”
S.B. No. 2920	“A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII.”	S.B. No. 2943	“A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS CONTESTS.”
S.B. No. 2921	“A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES.”		

S.B. No. 2944	“A BILL FOR AN ACT RELATING TO THE STATE OFFICE OF CAPITAL IMPROVEMENTS.”	“Referrals and re-referrals are made in accordance with the referrals and re-referrals on the Supplemental Order of the Day that may be distributed to your offices later this afternoon.
REFERRAL OF SENATE BILLS		
The President made the following committee assignments of bills introduced on Wednesday, January 27, 2010:		
S.B. No. 2945	“A BILL FOR AN ACT RELATING TO AGRICULTURE.”	S.B. No.: Referred to:
S.B. No. 2946	“A BILL FOR AN ACT RELATING TO STATE SMALL BOAT HARBORS.”	S.B. No. 2826 Committee on Ways and Means
S.B. No. 2947	“A BILL FOR AN ACT RELATING TO INVASIVE SPECIES.”	S.B. No. 2827 Jointly to the Committee on Education and Housing and the Committee on Energy and Environment and the Committee on Water, Land, Agriculture, and Hawaiian Affairs, then to the Committee on Ways and Means
S.B. No. 2948	“A BILL FOR AN ACT RELATING TO THE SUPERINTENDENT OF EDUCATION.”	S.B. No. 2828 Jointly to the Committee on Education and Housing and the Committee on Water, Land, Agriculture, and Hawaiian Affairs, then to the Committee on Ways and Means
S.B. No. 2949	“A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING.”	S.B. No. 2829 Committee on Economic Development and Technology, then to the Committee on Ways and Means
S.B. No. 2950	“A BILL FOR AN ACT RELATING TO AGRICULTURE.”	S.B. No. 2830 Jointly to the Committee on Energy and Environment and the Committee on Higher Education and the Committee on Water, Land, Agriculture, and Hawaiian Affairs, then to the Committee on Ways and Means
S.B. No. 2951	“A BILL FOR AN ACT RELATING TO AGRICULTURE.”	S.B. No. 2831 Committee on Judiciary and Government Operations
S.B. No. 2952	“A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FIRST SENATORIAL DISTRICT.”	S.B. No. 2832 Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Government Operations
S.B. No. 2953	“A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-FOURTH SENATORIAL DISTRICT.”	S.B. No. 2833 Committee on Labor, then to the Committee on Ways and Means
S.B. No. 2954	“A BILL FOR AN ACT RELATING TO TRANSFER OF STATE HIGHWAYS.”	S.B. No. 2834 Committee on Ways and Means
S.B. No. 2955	“A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY.”	S.B. No. 2835 Committee on Transportation, International and Intergovernmental Affairs, then to the Committee on Judiciary and Government Operations
S.B. No. 2956	“A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION.”	S.B. No. 2836 Committee on Energy and Environment, then to the Committee on Commerce and Consumer Protection
S.B. No. 2957	“A BILL FOR AN ACT RELATING TO THE ENVIRONMENT.”	S.B. No. 2837 Committee on Commerce and Consumer Protection
S.B. No. 2958	“A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE THE BOARD OF EDUCATION TO AN APPOINTED BOARD.”	S.B. No. 2838 Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Judiciary and Government Operations, then to the Committee on Ways and Means
S.B. No. 2959	“A BILL FOR AN ACT RELATING TO EDUCATION.”	S.B. No. 2839 Jointly to the Committee on Education and Housing and the Committee on Higher Education, then to the Committee on Ways and Means
S.B. No. 2960	“A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION.”	S.B. No. 2840 Jointly to the Committee on Labor and the Committee on Judiciary and Government Operations, then to the Committee on Ways and Means
S.B. No. 2961	“A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 3, OF THE HAWAII CONSTITUTION, TO REMOVE THE POWER OF THE BOARD OF EDUCATION TO APPOINT THE SUPERINTENDENT OF EDUCATION, TO ENABLE THE GOVERNOR TO APPOINT THE SUPERINTENDENT AS PROVIDED BY LAW.”	

At this time, the Chair made the following announcement:

S.B. No. 2841	Jointly to the Committee on Labor and the Committee on Judiciary and Government Operations, then to the Committee on Ways and Means	S.B. No. 2857	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Transportation, International and Intergovernmental Affairs, then to the Committee on Ways and Means
S.B. No. 2842	Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means	S.B. No. 2858	Committee on Energy and Environment, then to the Committee on Commerce and Consumer Protection
S.B. No. 2843	Committee on Public Safety and Military Affairs, then to the Committee on Judiciary and Government Operations	S.B. No. 2859	Committee on Transportation, International and Intergovernmental Affairs, then to the Committee on Commerce and Consumer Protection
S.B. No. 2844	Committee on Health, then to the Committee on Commerce and Consumer Protection	S.B. No. 2860	Committee on Ways and Means
S.B. No. 2845	Committee on Transportation, International and Intergovernmental Affairs, then to the Committee on Judiciary and Government Operations	S.B. No. 2861	Committee on Human Services, then to the Committee on Ways and Means
S.B. No. 2846	Committee on Transportation, International and Intergovernmental Affairs, then to the Committee on Judiciary and Government Operations	S.B. No. 2862	Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Government Operations
S.B. No. 2847	Committee on Water, Land, Agriculture, and Hawaiian Affairs, then to the Committee on Ways and Means	S.B. No. 2863	Committee on Transportation, International and Intergovernmental Affairs, then to the Committee on Ways and Means
S.B. No. 2848	Committee on Labor, then to the Committee on Ways and Means	S.B. No. 2864	Jointly to the Committee on Economic Development and Technology and the Committee on Energy and Environment, then to the Committee on Ways and Means
S.B. No. 2849	Jointly to the Committee on Labor and the Committee on Judiciary and Government Operations, then to the Committee on Ways and Means	S.B. No. 2865	Jointly to the Committee on Energy and Environment and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
S.B. No. 2850	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Transportation, International and Intergovernmental Affairs and the Committee on Judiciary and Government Operations, then to the Committee on Ways and Means	S.B. No. 2866	Committee on Ways and Means
S.B. No. 2851	Jointly to the Committee on Judiciary and Government Operations and the Committee on Labor, then to the Committee on Ways and Means	S.B. No. 2867	Committee on Judiciary and Government Operations, then to the Committee on Ways and Means
S.B. No. 2852	Jointly to the Committee on Education and Housing and the Committee on Judiciary and Government Operations, then to the Committee on Ways and Means	S.B. No. 2868	Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
S.B. No. 2853	Committee on Transportation, International and Intergovernmental Affairs, then to the Committee on Commerce and Consumer Protection	S.B. No. 2869	Committee on Judiciary and Government Operations
S.B. No. 2854	Committee on Judiciary and Government Operations	S.B. No. 2870	Committee on Judiciary and Government Operations
S.B. No. 2855	Committee on Water, Land, Agriculture, and Hawaiian Affairs, then to the Committee on Ways and Means	S.B. No. 2871	Committee on Ways and Means
S.B. No. 2856	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Transportation, International and Intergovernmental Affairs and the Committee on Judiciary	S.B. No. 2872	Committee on Education and Housing, then to the Committee on Ways and Means
		S.B. No. 2873	Committee on Education and Housing, then to the Committee on Judiciary and Government Operations
		S.B. No. 2874	Committee on Education and Housing, then to the Committee on Ways and Means
		S.B. No. 2875	Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Energy and

S.B. No. 2876 Environment and the Committee on Economic Development and Technology, then to the Committee on Ways and Means

S.B. No. 2877 Jointly to the Committee on Education and Housing and the Committee on Water, Land, Agriculture, and Hawaiian Affairs, then to the Committee on Judiciary and Government Operations

S.B. No. 2878 Committee on Judiciary and Government Operations

S.B. No. 2879 Committee on Judiciary and Government Operations

S.B. No. 2880 Committee on Judiciary and Government Operations

S.B. No. 2881 Committee on Labor, then to the Committee on Ways and Means

S.B. No. 2882 Committee on Transportation, International and Intergovernmental Affairs

S.B. No. 2883 Committee on Labor, then to the Committee on Judiciary and Government Operations

S.B. No. 2884 Committee on Labor, then to the Committee on Ways and Means

S.B. No. 2885 Jointly to the Committee on Health and the Committee on Labor, then to the Committee on Ways and Means

S.B. No. 2886 Committee on Judiciary and Government Operations

S.B. No. 2887 Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means

S.B. No. 2888 Committee on Labor, then to the Committee on Ways and Means

S.B. No. 2889 Jointly to the Committee on Education and Housing and the Committee on Water, Land, Agriculture, and Hawaiian Affairs, then to the Committee on Ways and Means

S.B. No. 2890 Committee on Water, Land, Agriculture, and Hawaiian Affairs, then to the Committee on Ways and Means

S.B. No. 2891 Committee on Water, Land, Agriculture, and Hawaiian Affairs, then to the Committee on Ways and Means

S.B. No. 2892 Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Government Operations

S.B. No. 2893 Jointly to the Committee on Health and the Committee on Education and Housing, then to the Committee on Ways and Means

S.B. No. 2894 Committee on Judiciary and Government Operations

S.B. No. 2895 Committee on Water, Land, Agriculture, and Hawaiian Affairs, then to the Committee on Judiciary and Government Operations

S.B. No. 2896 Committee on Transportation, International and Intergovernmental Affairs

S.B. No. 2897 Committee on Transportation, International and Intergovernmental Affairs, then to the Committee on Judiciary and Government Operations

RE-REFERRAL OF A SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

S.B. No.:	Re-referred to:
S.B. No. 2580	Jointly to the Committee on Transportation, International and Intergovernmental Affairs and the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Education and Housing and the Committee on Higher Education, then to the Committee on Ways and Means

STANDING COMMITTEE REPORT

On motion by Senator Sakamoto, seconded by Senator Slom and carried unanimously, the Clerk was authorized to receive the standing committee report on Governor’s Message No. 109 from the Committee on Judiciary and Government Operations. In consequence thereof and subsequent to its recessing at 11:45 a.m., the following committee report was placed on the calendar for further action on Friday, January 29, 2010:

Senator Taniguchi, for the majority of the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 1) recommending that the appointment of EDWARD H. KUBO, JR. to the Circuit Court of First Circuit, State of Hawaii, in accordance with Gov. Msg. No. 109, be returned to the full Senate for consideration.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1 and Gov. Msg. No. 109 was deferred until Friday, January 29, 2010.

ADJOURNMENT

At 6:00 p.m., the Senate adjourned until 11:30 a.m., Friday, January 29, 2010.