

## ELEVENTH DAY

## Thursday, February 4, 2010

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 11:39 a.m. with the President in the Chair.

The Divine Blessing was invoked by the Pastor Garret Shon, Hope Chapel Kapolei, after which the Roll was called showing all Senators present with the exception of Senators Fukunaga, Ihara, and Hee who were excused.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 176 and 177) were read by the Clerk and were placed on file:

Gov. Msg. No. 176, dated January 11, 2010, transmitting the 2009 Annual Report of the Natural Energy Laboratory of Hawaii Authority, pursuant to Chapter 227D, HRS.

Gov. Msg. No. 177, dated January 14, 2010, transmitting the Report on Inmates Mental Health Services at Oahu Community Correctional Center, Halawa Correctional Facility, and Women's Community Correctional Center, pursuant to Act 213, SLH 2007; and the Report on Mental Health Services for Committed Persons, pursuant to Act 144, SLH 2007, prepared by the Department of Public Safety.

## DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 66 and 67) were read by the Clerk and were placed on file:

Dept. Com. No. 66, from the State Auditor dated February 3, 2010, transmitting a report, "Study of Proposed Mandatory Health Insurance Coverage for Colorectal Cancer Screening," (Report No. 10-02).

Dept. Com. No. 67, from the Office of Hawaiian Affairs transmitting a Report on Transfer of Funds, pursuant to Act 140, Section 10, SLH 2009.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 7 to 9) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 7, transmitting H.B. No. 2017, which passed Third Reading in the House of Representatives on February 3, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2017, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed First Reading by title and was deferred.

Hse. Com. No. 8, transmitting H.B. No. 2027, H.D. 1, which passed Third Reading in the House of Representatives on February 3, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2027, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISHONORED CHECKS," passed First Reading by title and was deferred.

Hse. Com. No. 9, transmitting H.B. No. 2028, which passed Third Reading in the House of Representatives on February 3, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2028, entitled: "A BILL FOR AN ACT RELATING TO GROUP LIFE INSURANCE," passed First Reading by title and was deferred.

## STANDING COMMITTEE REPORTS

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2013) recommending that the Senate consent to the appointment of LAWRENCE M. REIFURTH to the Intermediate Court of Appeals, State of Hawaii, in accordance with Gov. Msg. No. 119.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2013 and Gov. Msg. No. 119 was deferred until Friday, February 5, 2010.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2014) recommending that S.B. No. 2368 pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2368, entitled: "A BILL FOR AN ACT RELATING TO CHILD VISITATION," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2015) recommending that S.B. No. 2028 pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2028, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Chun Oakland, for the majority of the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2016) recommending that S.B. No. 2032, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2032, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC OPPORTUNITY POVERTY REDUCTION TASK FORCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2017) recommending that S.B. No. 2033 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2033, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR GENERAL ASSISTANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2018) recommending that S.B. No. 2331, as amended in S.D. 1, pass

Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2331, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senators Gabbard and English, for the majority of the Committee on Energy and Environment and the majority of the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2019) recommending that S.B. No. 2235 pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2235, entitled: "A BILL FOR AN ACT RELATING TO PHOTOVOLTAIC READY NEW RESIDENTIAL HOMES," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senators Gabbard and English, for the Committee on Energy and Environment and the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2020) recommending that S.B. No. 2231 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2231, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2021) recommending that S.B. No. 2234, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2234, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY SYSTEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2022) recommending that S.B. No. 2233, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2233, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2023) recommending that S.B. No. 2286, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2286, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," passed Second

Reading and was placed on the calendar for Third Reading on Monday, February 8, 2010.

## ORDER OF THE DAY

### THIRD READING

S.B. No. 2177, S.D. 1:

On motion by Senator English, seconded by Senator Gabbard and carried, S.B. No. 2177, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, Fukunaga, Hee, Ihara).

S.B. No. 2178, S.D. 1:

On motion by Senator English, seconded by Senator Gabbard and carried, S.B. No. 2178, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, Fukunaga, Hee, Ihara).

S.B. No. 2201, S.D. 1:

On motion by Senator English, seconded by Senator Gabbard and carried, S.B. No. 2201, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, Fukunaga, Hee, Ihara).

At this time, Senator Galuteria rose on a point of personal privilege as follows:

"Colleagues, let me set the tone by beginning with, 'I am honored to be here today with you.' Now, to our Republican colleagues, I saved that for the caucus last year, but this year I include you. Thank you so much, and when I look upon this body, I feel philanthropy in the air. Philanthropy. It's a giving time, and let me just say that this is a can of Spam [*holds up prop*]. And this year, my office is spearheading the 21<sup>st</sup> Annual Food Bank Drive.

"So I rise today to ask for your kokua. I feel confident that you will participate in one way, shape, or form; and I want to express my gratitude and my aloha in advance. My heart is full. As a matter of fact, let me just share a wise saying that was given to me: friends, a dog wags its tail with its heart. I am that dog today. Thank you so much.

"I look forward to taking Senator Kidani's record and obliterating it, hopefully. Fourteen thousand dollars plus—oh my God—but I know that you folks will help us achieve that, and I'm honored to be here with you to achieve that goal.

"With all seriousness, friends, tomorrow we kick off the Senate campaign. I'll be hosting a breakfast at 8:30 tomorrow, and my staff has been in touch with yours to encourage participation and attendance. Join us if you can. Members of the Food Bank will be there as well. In addition, information has been distributed amongst you with some stunning facts about hunger in Hawai'i. Please consider both. I look forward to your generosity and philanthropy, colleagues. Thank you so very much. Thank you, Chair."

Senator Espero rose and said:

"Last night, one of the great politicians and public servants of our state passed—Mayor Frank Fasi.

"I had the privilege of working with Mayor Frank Fasi from 1986 to 1994, when he appointed me to head O'ahu's

neighborhood board system at the young age of 26. And I believe my colleague from Kalihi across the way there was also a member of the City Council at the time, and my other colleague from Liliha worked with Councilman Gill.

“But Mayor Fasi, whether you liked him or not, was certainly a man who did great things for our county, from the Honolulu Municipal Building, the greening of City Hall (one of his great escapades), open markets, the child care facility next door, The Bus. And he was at the forefront of the discussion for rail, an item that was brought up in the 70s; and hopefully, if Governor Lingle is listening, we will be able to move this project forward real soon. Governor, it is the right thing to do.

“But today I just want to recognize the great accomplishments of Mayor Frank Fasi for our county. He definitely epitomized the word ‘maverick,’ a word used commonly today by people whether they’re on the nation or local scene, but he is an individual. I know that our government, our residents, will not forget, and I’d like to ask that we do adjourn on a moment of silence. Thank you, Madam President.”

At this time, the Chair made the following announcement:

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

At 11:49 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 a.m.

#### **ADJOURNMENT**

At 11:50 a.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Friday, February 5, 2010, on a rising vote, observing a moment of silence in memory of the Honorable Frank Fasi, former mayor of the City and County of Honolulu.